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LET'S CIVILIZE THE MARRIAGE LAWS

BY

RICHARD D. KATHRENS

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DEDICATORY STATEMENT.

This little volume is offered in earnest protest against existing Divorce laws, in force throughout the United States; and, it is dedicated in a special manner to those unfortunate married, whose magnetic forces have ceased to blend—who do not love, yet will not hate—but of whose unhappy plight the law takes no concern.

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PREFACE.

Every mortal desires to be happy.

Above all else, man seeks happiness; and what is this envied goal for which all strive? It is a condition in which all things are nicely and evenly adjusted; a state of peace, of freedom from strife and turmoil, of contentment, without friction, hindrance or restraint. Anything less than this is not happiness, but something approximating happiness perhaps.

When man becomes *natural,* he will be *free;* he will be at peace with himself and his neighbor —he will be *happy.* And, it follows axiomatically that the secret of man's happiness lies in a proper recognition by him of the *law* back of all his activities.

It has taken many centuries of pain and privation, of want and worry, of restlessness and revolt and revolution, to bring about the comparative freedom he now enjoys. And the struggle all along the bloody course has been to displace the *fraudulent* and the *artificial* with the *real* and

the *natural.* Probably the greatest obstruction to man's advance along real moral lines—that might insure his perfect freedom, and a near approach to the millennium for which he has yearned—has been the sham and pretense and hypocrisy that have characterized all the dealings of the ruling classes, and the blind following, stupid obedience and superstitous credulity of the masses.

A supine and servile submission to arrogated authority, and a senseless adherence to precept and precedent have served to check initiative, to hamper ambition, to suppress emotions, to throttle budding genius, and to kill aborning the highest hopes of the human heart. Until within the last few golden decades, man has been required to measure his conduct, to control his desires, to stifle his impulses, in accordance with the arbitrary notions and theories and customs of his ancestors. And, this *ancestral* worship which he has unconsciously practiced—this dependence upon dead men and dead philosophies—has held him out of his rightful estate, and retarded the progress of the world a thousand years.

Now every man has a right to his opinion, and he may give expression to it without respect to the notions or beliefs of those in authority. Indeed, among the many privileges the present era accords to every man is the right to think, and to publicly proclaim just what he thinks, although

his opinions and conjectures controvert the theories and over-turn the accepted hypotheses of centuries.

As a result of this new order, there have arisen from the ranks, from among the common people—born out of the purple and the church—the men of real force in the world's advance; and these normal, full-statured men are recasting the moral conceptions of Society, and are thus working out the salvation of the race.

Among the great reforms being agitated, by which it is hoped to secure the freedom and to increase the well being of mankind, is the world-wide movement to reconstruct the Marriage Laws. The present marriage system, established upon ecclesiastic ideals, has been found to be defective and deficient, and not only inadequate to meet the demands and requirements of this age, but conducive to social unrest, and destructive in many instances of the home and family which it was supposed to conserve.

It is seriously contended by the author of this volume that practically all the ills of society might be remedied, and possibly entirely overcome, if our marriage laws were reformed so as to conform them to *natural* laws. This declaration of belief is not made flippantly, but after a painstaking investigation and a thoughtful study of all the conditions surrounding the meeting and mating of those who marry; and this book will be

devoted to an elaboration and a defense of the position here announced.

It will be urged, as the first concern of those who would re-write the Marriage laws, that they shall strive to protect and conserve all those *natural* forces and conditions that will insure the advent of welcome children. For, after all, the Marriage question—including the problem of Divorce—is a *race* question, and its solution will be found in a complete harmonizing of the legal requirements of the statute with the great eternal laws of our being.

To contribute something to the sum of human happiness, if only by way of suggestion, is the writer's controlling and consuming desire. To take the hap-hazard out of marriage; to remove the stigma attaching to Divorce; to secure to woman the enjoyment of certain special rights in the marriage relation; to invest the wife with final power in all divorce actions; and to encourage the discussion of these great questions, upon their merit—in the light of this civilization—and apart from the confusing theories of the church, are among his most cherished hopes.

R. D. K.

A PRELIMINARY STATEMENT.

A discussion of the Marriage laws necessarily involves to some extent a discussion of the relation of the Church to, and its attitude towards, the institution of Matrimony.

It is quite impossible to deal with the whole subject and to ignore the Church, and it is equally impossible for the impartial student of the situation to examine into the purpose and activity of the Church in resisting, on Scriptural grounds, all rational effort to modify the marriage laws, and fail to trace responsibility for a large share of the world's misery to the very door of the Church.

I want to say here, at the outset, in the clearest terms of which I am capable, that the ecclesiastic scheme with reference to the marriage bond, is in direct conflict with the highest law of our being, and hence the disastrous consequences that well nigh over-burden the world, that devastate the hearts and homes of men, and make a mockery of our civilization.

In the course of this little volume, I hope to

show—at least inferentially—that Poverty, Disease and Crime are the legitimate, and unavoidable products of a system of morals, that tolerates a condition, which permits the enforced marital relation of mismated and magnetically repellant natures. The full force of this somewhat startling statement may not be fully appreciated at once, but its significance will develop as our inquiry is prosecuted.

No surpliced or cassocked crusader, in all the two thousand years that the Church has influenced and dominated the minds of men, has ever lifted his voice or penned a line in support of any sane movement for the prevention of these deplorable and calamitous conditions of society that seem to thrive most luxuriantly, so to speak, in those sections of the earth where the Church enjoys the largest measure of temporal power.

This is radical, I know; revolutionary, I own; inflammable, to be sure, and I have some appreciation of the delicate and difficult position of the man who presumes to criticise or to bring into question the wisdom or sufficiency of the Scriptures, or any interpretation of them which the Church has officially recognized and authoritatively stamped "Imprimatur."

In the opinion of many thousands of good people, a man can do no graver thing than to support an issue declared to be inconsistent with the

"divine word." There is rarely any process of reason employed in reaching this conviction, and judgment is usually rendered without any investigation of the possible merit of the facts. It is deemed quite sufficient for condemnation if it appears that the new idea, plan or system does not accord with the canonic teaching of the Church: in other words, if the proposed new order is found to conflict with the cruel injunction of the Scriptures, with reference to the life-duration of the marriage contract, it is declared *bad,* ipso facto, and its author, or the spokesman of the heretical view is regarded as a menace to public morals, and placed in the false position of one who has a quarrel with his God.

But, what is the militant thinker to do?

He cannot be swerved from his mission by personal considerations; he cannot color and distort facts, just to curry favor, or to get the applause of cravens, and, he cannot remain silent and live at peace with his own conscience. So, there seems to be no honorable escape for him, and he must be willing to receive upon his own head the full measure of public favor or condemnation.

After thoughtful study of the subject, I am convinced that no real progress can be made, towards a solution of this great problem which now engages the thought of the scientific world, until men learn to put behind them the unwise, immoral and barbarous marriage theory of the Church

which is urged and defended upon biblical warrant.

There is a probability that no man less courageous than I, or less foolhardy than I, would deliberately undertake such a contention, but be that as it may—whether it be courage or downright imbecility that prompts me—I propose to venture on my course, and to follow the light that I see.

R. D. KATHRENS.

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The Passing of the Old Order.

The world is about ready to part company with superstition in every form, to forsake error and falsity under whatever guise, and to accept the truth—by whomever uttered—provided only that it can be demonstrated.

CHAPTER I.

Old way and Old philosophy, versus New way and New philosophy—No longer a blind following among men—All authority questioned—Science demands Proof of Revelation—Truth now more important than defense of Testamental ignorance—World striving to make up for misdirected activity—No limit upon inventive genius—Modern methods that have marveled and moved the world.

Change, is the order of the universe.

This is not the announcement of a new discovery. It has always been so; this transient quality inherent in all things has been constantly manifesting itself through all the ages, only it has been less apparent to the minds of men.

Within the last hundred years men, generally, have awakened to a new sort of consciousness, and as a result the history of the world during that period has been a history of human progress—human achievement. Man no longer clings, as he formerly did—with the tenacity of death—to the old way, the old philosophy, the old religion,

but he is surrendering his ancient conceptions of things, as rapidly as they are proved to be erroneous, or inadequate to his needs, and he is adopting the new and better way, the new and better philosophy, the new and better religion.

There is no longer a blind following on the part of any great numbers of people. Everywhere, men are thinking for themselves; everywhere, men are insisting upon the evidence, demanding demonstration, seeking to *know;* everywhere, men are asking questions, concerning those things about which, a few years ago, the man of so-called average intelligence did not dare to entertain a notion, if that notion happened not to accord with the "inspired" opinion of some eccleastical authority.

The right to ask questions is working out the real salvation of the world.

The right to ask questions, implies the right to doubt, and the right to doubt means the right to grow in mental and moral excellence.

During the past fifty years the general fund of knowledge has immensely increased, and as a consequence the intellectual status of the average man has materially advanced. Learning is no longer monopolized by any particular class, sect or organization. Profound minds are now common in almost every walk, from the highest to the lowest.

The masses are *thinking;* and a majority of mankind are now possessed of notions of their own concerning all the great problems of life.

Vast numbers of earnest and studious minds are now constantly trained on the vexed questions of the hour, in an effort to solve them, and this concentration of the mental activities of multitudes of people upon *doing* or *desiring* the same thing, insures the ultimate realization of that thing. There is a subtle law back of this phenomenon. We do not understand it: we cannot explain it. It is yet a secret of the great hidden forces of Nature, like electricity, which is possibly another expression of the same law.

We cannot explain electricity, or trace the source of its mysterious energy, but we know that it *is.* We know it by its effects; we know that it *does* things, and that it always responds in the same way under like conditions. Since we found out the little that we know about electricity, civization has bounded forward and the usefulness and productiveness of man has been increased several fold.

And we are just now beginning to touch the border of the great Psychic field—the unexplored realm of the soul,—and are bringing to bear upon our physical activities the marvelous potencies that belong to the mental plane.

By the employment of these occult agencies, every *thinking being* on the globe is aiding—

though all unconsciously perhaps—every other *thinking benig* in bringing about a realization of all the good and desirable things for which each one hopes and yearns. The enlisting of these practically new forces of surpassing energy presage marvelous accomplishments, that will transform and literally make over the face of the earth, in another century.

Indeed we are living in a rapid age.

The world is moving at a tremendous pace.

The span of a single life now compasses a thousand reforms that took the old world centuries to bring about.

In all the useful arts, in politics, in religion, in mechanics, in medicine and in the social sciences, reformation and change are the order. Every department of human endeavor and every field in which men and women labor for the advancement and perfection of the race, are likewise experiencing a new awakening.

Thousands of toilers in laboratories are tirelessly pursuing their dreams of conquest. Gradually and laboriously, Science—"the real savior of mankind"—is forcing the frontier of the known and the demonstrated into the illimitable spaces of the unknown. With crucible and retort and telescope, man is reading the riddle of the universe in trees, and rocks, and stars.

Nothing is taken for granted or accepted as

true upon the unsupported claim of Divine right, intervention, or command.

All authority is questioned, and must submit its credentials to the alert reason and the awakened conscience of the Twentieth Century.

Tablets of Stone, nor Plates of Gold will alone be accepted as evidence of Divine origin or warrant. Science demands proof of revelation—something more than unreasoning faith, and the hearsay testimony of unknown and irresponsible parties.

The *cause* of things is being ferreted out.

To *know* is becoming a ruling passion among men.

Blind, credulous faith no longer controls the judgments of men. No thinking man, in this age, fears the wrath of an angry God, or hopes to be rewarded for believing without evidence. The natural and inescapable consequence of his own acts, is the only thing that any man need contemplate with gladness or apprehension.

Church affiliation is no longer an asset, upon which one may trade. Faith in a particular creed counts for nothing in the business relations, and can neither add to nor detract from one's social position. No one cares much, now, whether a man is a Baptist or Methodst, or Catholic. The important question, if any is raised: Does he bear a reputation for fair dealing; is he on the square?

The thinking world now know that amulets and scapulars and incantations and medals and pictures of saints, and beads and prayers, can have no force in themselves for good or ill; that benedictions and anathemas are empty forms and harmless gesticulations that no longer inspire or terrify; that the Swastika of the Pagan, the Cross of the Chirstian and the Crescent of the Mohammedan are essentially the same, and that each is symbolical of a superstition that has held benighted millions in slavery.

This is distinctively an age of investigation.

Nothing is exempt from inquiry. Human happiness *here* is the goal.

The barriers of superstition and fear that have so long obstructed the path of progress are being swept away.

The cassocked pretender is no longer a leader of men.

"Thus far shalt thou go, and no farther" cannot now deter the man with an honest doubt.

Nothing is so sacred, so *holy* that it can claim immunity from the scrutiny of rational investigation.

"Reason holds aloft her inextinguishable torch," and in that holy light every fact is bared, every claim is tested, and every title must stand or fall.

The vast possibilities of the human mind,

dependent upon itself, and free from the hopes and fears that have kept men in darkness and slavery, are probably best exemplified by the audacious and astonishing results achieved in almost every department of human activity in these later, unfettred years. It does not matter now if the story of Joshua, or the fable of the Ark, or the delusion of Eden are endangered by discoveries which afford a clearer insight into the cause of things.

And let's pause here a moment and if possible get the full significance of this glorious fact, which in itself constitutes one of the greatest boons of this civilization.

It means that Mitred and Sceptered wrong have forever lost their destructive dominion; it means that the tyrants of superstition and the despots of ignorance have been forced to abdicate; and it presages the complete emancipation of a church-cursed humanity, and the establishment throughout the world of the permanent reign of Reason.

Heretofore the thinker was constantly beset by the fear that he might discover *error* or *inconsistency* in the "divine word," and such a revelation might forfeit his life or liberty. So certain and swift was the punishment of heretics that comparatively few had the courage and the heroic hardihood to defy the vengeance of the "universal church," and necessarily real intellec-

tual progress was made slowly. For centuries, Science wore this fearful handicap, and mankind groped in the shadow of the cross.

But now, all the barriers are down. No limitations or restrictions are placed upon the mental activities of men. The idealist, the dreamer, the altruist, the seeker after knowledge may now, without thought of the Inquisitor and without fear of the *rack* or *wheel,* prosecute his inquiries into the most "sacred" precincts, and question the very face of God. And he need not any longer concern himself about the soundness or the sophistry of any Bible story. The *truth* is now generally conceded of greater consequence and of vastly more importance to the welfare of mankind, than is a defense of Testamental ignorance.

Men no longer entertain the stultifying fear that they may become too wise, and, possibly, by their knowledge, be lead to usurp, or unduly trespass the province of God. If God has any ways He would have men not to know, He will have to exercise increasing vigilance as the years go by.

To disclose the hidden, to solve the mysterious, to explain the unknown, and to find the law back of all phenomena, is the special and fascinating quest of the best and the wisest of the earth.

Inventive genius now has the widest latitude

and the sincerest encouragement; no limit is set to the scope or bounds of its inquiry.

The restraining handicaps are now lifted; the obstructing bars are down, and an awakened world is striving, as it were, to make-up for the centuries of misdirected activity. The tendency of the time is to "modernize"—to bring "up-to-date," and the demand of hour is *to go ahead, to do, to achieve!*

As quickly as scientific knowledge is accumulated, it is being applied to human needs, human comfort and human development, and old forms and systems are being relegated. Only the highest possible efficiency, in everything that touches or enters into human affairs will satisfy the alert and progressive spirit of this age. In every department of thought and labor, from the turning of the soil to the mapping of stars, the struggle is to save time, to conserve energy, to eliminate waste, to improve quality, to excel!

Find out! is the sole and imperative injunction of a waiting world—the illimitable space, the field of thy research: everything that *is,* the subject of thy inquiry; wisdom, and still more wisdom, thy quenchless desire; ultimate perfection—the attainment of the ideal—thy aim and end!

Many of the hoped-for but improbable things of a few years ago are now common and almost unnoticed in our daily life. The wants of yes-

terday are the realities of today, and no imagination, however visionary or fanciful, may anticipate or unduly overstate the possibilities of tomorrow.

A decade back, the motor carriage was a wild experiment; twenty-years ago, it was as vague and unreal as is the stuff out of which dreams are woven. *Today* it is a permanent part of our civilization.

The electric trolley-car, which is now a common means of transportation in every city, on the globe, was as uncertain, and impracticable of commercial application twenty-five years ago, as is the Air Ship today. But, how could we dispense with the benefits derived from the trolley-car?

The perfected Flying machine is on the way, and almost before we know it, so to speak, men will vie with the birds in the grace and swiftness of their flight. A few years hence, we will have frequent occasion to wonder how we managed to get along so well on the earth.

It is a fact worthy of note, that almost simultaneously with the successful flight of the first *dirigible baloon,* came the announcement of most important advances in the science of Sub-marine navigation.

Here are new worlds to conquor; and already a vast army has been recruited and are in training for the invasion.

These unique discoveries bring us to the verge of another great epoch in the world's history. It is but reasonable to expect that within this generation, men will move at will, and with comparative ease and safety, into the darkest depths of ocean, and out into hitherto unknown regions of the air.

These excursions will furnish the alert Scientist with new revelations of a wierd and wondrous life, and of elements and forces and principles undreamed of, and in their train will flow a stream of priceless treasures for the permanent enrichment of mankind.

The solution of the problems of Aerial and Sub-marine navigation will bring with them the easy disentanglement of other now vexed questions, and at the same time will awaken research in a comparatively new realm, thrusting to the fore still other questions to be cleared-up. Thus the ceaseless evolvement will go on, but with steadily increasing rapidity, and always on a higher and an ascending plane.

Quite as astounding as are these discoveries, in themselves, is the alacrity with which the people "take" to them. One of the hopeful and distinguishing signs of the period is the speedy recognition given to new or simplified methods. This is true, not only in mercantile and mechanical fields, but it is equally true in every department of thought and activity throughout the

whole realm of secular investigation. Along with the improved methods of doing things, has come a broader view of things in general, and a more universal desire for advancement in every direction.

It will serve a good purpose, even at the expense of unnecessary amplification, to call attention in a special manner to one or two of the signal accomplishments of recent years which have so materially advanced human conditions and give promise of the transcendent achievements that will glorify this generation of men.

Within the past thirty-five years the discoveries in electrical science, alone, have revolutionized the means of transportation and communication throughout the earth. The genius of man has harnessed Jehovah's threatening lightnings and appropriated their potent energies to his own needs and purposes. Electricity is now employed in a hundred different ways in the household, as well as in the factory. It ministers in some manner to the necessity or pleasure or convenience of nearly every human being living in the civilized sections of the globe.

One of the most general applications of electrical energy to the purposes and advantages of our every-day life, is the telephone. Everybody is familiar with the telephone. Most of us have occasion daily to employ this agency of quick and satisfactory communication, but how rarely

do we think seriously about it? How few understand anything, in the remotest way, about its mechanism? How many can explain the scientific principle of its operation? Maybe it is just as well that we do not bother our heads about such things. In any event, technical knowledge of the instrument is not necessary to a full enjoyment of its benefits, and that probably accounts for our failure to know much about it. But the telephone has been a great civilizer, and deserves to be classed among the epoch markers in the history of mankind. It has influenced the course of human events, and immensely increased the productive capacity and the earning power of men. The telephone has annihilated, so to speak, both time and space. With the aid of this now indispensable adjunct of commercial life, a man is enabled to be in two places at the same time and to give personal direction in both places, although hundreds of miles apart. It is only a matter of time and desire and determination, when the remotest sections of the earth will be brought instantly within the range of the human voice. In the near future the world will have become so reduced, by perfected telephony, that a whisper uttered in New York will be audible in Buenos Ayres or Bangkok.

The process by which signs and signals may be communicated between distant stations, without the aid of any mechanical connection what-

ever, is another of the marvelous achievements of this marvelous period.

The genius of Marconi has chorded the etheric waves of the sky, and set the very air to music.

The lay mind can have, at best, only a vague conception of the real importance and significance of the Wireless Telegraph, which has come in answer to patient and persistent researches into the unknown.

Less than fifteen years have elapsed since radiography passed the theoretical and experimental stage and became an accomplished fact—no longer a mere scientific sensation, borrowed from some border land of mystery—but already a fixed and indispensable part of the business life of the world. It would be difficult to measure in dollars the commercial value of the Wireless Telegraqh, and as a life-saver, alone, its worth is incalculable.

The whole world experienced a certain consciousness of relief, when the now famous messages of despair went out over storm swept seas in search for stout hearts and willing hands, and found them. The deep has lost much of its terror and its solitude. "C. Q. D." and "S. O. S." have robbed Ocean travel of its gravest danger; and our fears and anxieties for the safety of those who must sail the seas, are now quieted by this

blessed new assurance of their comparative security.

Complete isolation is becoming impossible. However far we may rove or wander, an intangible and mystical cord binds us to those at home; and although we pass from sight and *out of mind,* it may now be truthfully asserted that we are never entirely *out of touch.* With this wonderful medium of communication, we put aside redundant materiality and draw a pace nearer to the astral and the spiritual.

Who will limit, or attempt to measure or anticipate the possibilities of human accomplishment in this field that Marconi has opened to the inventive genius of free men?

The next few years will bring other discoveries equally astounding and revolutionary of present methods and systems, that are undreamed of today.

CHAPTER II.

New Dispensation at hand—Desired results follow only properly directed Industry—Nature's methods being scrutinized with view to Betterment—If Science could only direct the Moulding of a man—Better Babies essential step towards better Men—Marital Legislation must be Reformed and Civilized—Human experience and Demands of Society must govern—Who are joined of God—Sex ignorance involves Self-ignorance.

The world has arisen from its knees, and is on the march!

The forces of freedom are everywhere in the ascendent. Reason now dominates the dynamic thought of mankind. False and fanatical philosophies that have shackled and thralled the minds of men are now sufficiently exposed or disproved, as to no longer menace the progress of civilization.

The old world is now facing a mighty reformation.

A new dispensation is at hand.

The prophets of a new revelation are abroad,

and every phase and condition of social life is in a state of unrest. Portentous changes are taking place. Radical reforms are being agitated. The shortness of life is realized, and because of that fact, the necessity for aggressiveness, along certain lines which do not infringe the natural rights of others, is all the more emphasized. Nothing may be left safely to luck or fortuitous circumstance. Desired results follow only wisely and properly directed industry. If we are to find happiness *here,* we must be active in pursuit of it. With this great fact fully recognized, modern science is unwilling to "let well enough alone."

Nature's methods, which have served through all the ages are being closely scrutinized with a view to betterment and larger results. The restless spirit of the twentieth century is not content to wait the measured movement of the planets or the tedious passing of the seasons, but insists that *now* is the accepted time. In many instances, Nature has been found to be too slow, too deliberate in her processes, and men of genius have set about to devise means by which many of her ancient ways may be improved. Already marvelous results have followed intelligent experimentation in the animal kingdom and in the vegetable world. It has been demonstrated conclusively that Nature can be coaxed, and pushed and forced, and made to yield better quality and in quicker time.

The discoveries and actual demonstrations of Luther Burbank, the botanist and naturalist, have made his name famous throughout the world. The feats of this horticultural wizard, in the development and perfection of plant life, have opened up to the inquiring mind a vast new field for research and speculation. This Californian scientist has produced not only bigger, better and more luscious fruits, but he has been able to bring into existence many new varieties which Nature never contemplated, or at least never carried out.

With the Burbank and other similar revelations, now a definite part of the knowledge of mankind, a conspicious French savant observes: "That it is only as a logical result of all these marvelous discoveries that the scientific mind should turn now to the human race. There can be no doubt that the principles which have been found to apply so satisfactorily to plants and fancy stock, will also apply to our own kind, for, physically we are only animals."

When the new science of Eugenics shall have become generally understood and its principles intelligently employed, the world will witness a vast increase of human happiness; and countless blessings will flow from the enlarged capabilities for the enjoyment of life that will be brought about through a knowledge of this science. The

splendid triumphs to come as a result of improved conditions in the relations of the sexes will reduce to insignificant importanct, in comparison, all the superb achievements about which we marvel today.

To prolong human life, and to increase the opportunity and capacity for its enjoyment; to strip old age of its infirmities and disabilities; to stamp out disease and crime and poverty; to teach how to breed constitutionally stronger and more perfect children, and to bring about the full, but even and simultaneous development of the mental, moral and physical in the men and women of tomorrow, are among the tremendously interesting and important objects of this new science of right generation.

Men, conspicious in the public eye—philosophers, occultists, alienists, physicists, psychologists, students of criminology and various other leaders of advanced thought are urging that some more intelligent control or oversight should be exercised in the procreating and environing of the human species.

A cultured and pampered prudery, and a false conception of man's economic position in the universe, resulting largely from the inculcation of erroneous theories concerning God and his special providence with regard to man, have had the effect of committing the future of the race almost entirely to chance.

But during the past decade, thinking men who have witnessed the magical change wrought in plant life and the marvelous results accomplished in the intelligent breeding of fancy stock, have dreamed of the miracle possibilities of the human race, *if Science could only direct the moulding of a man.*

As a result, the best thought of the earth is now tardily addressing itself to the greatest problem of the ages—the perfection of the human animal.

The begetting and borning of better babies is conceived to be the first and essential step towards the scientific development of better men and women. But, just how the well established laws of pro-creative development may be best employed to aid in the structural and intellectual improvement of human beings, is the most tremendous problem that is now pressing for solution. This is a question of unusual importance because of its grave and far reaching consequences. It involves not only the future of the race, but it means the overturning of theories and the discarding of customs which have acquired, through centuries of usage, a fixed position and a sacred significance not rightfully belonging to them.

A proper and comprehensive study of the all important subject of scientific reproduction,

with reference to human progeny, must of necessity require a serious and thoughtful investigation of all the conditions that surround *the meeting and mating of those who marry.*

In the opinion of the most eminent sociologists of this period—men qualified by years of observation and devoted study — the time has come to take up, intelligently, the work of reforming and civilizing the entire marital legislation.

The experience of society demonstrates not only the deficiencies and incongruities of the laws touching the marriage relation, but it makes plain the great need for a radical change in the prevailing conception of the matrimonial agreement, and the obligations it imposes upon the contracting parties.

But how shall this be done?

Where shall the start be made?

Who will lead in this important reform?

To whom may we refer, with safety and assurance, the direction of our changing course?

Who is qualified to undertake the extraordinary work of recasting the customs of a people?

Who will suggest the rule; who will frame the ordinance and who will promulgate the decree which shall regulate and govern the reclaiming and the rebuilding of a race?

The disposition to view the marriage contract through the smoked glasses prepared by

theologians and religious zealots must be overcome. All preconceived ideas as to the *divine* origin of the institution of matrimony or the relation of the church to that fact, if true, must be set aside. We must also abandon all confusing and unsettling theories which have come as a result of our willingness to accept without question or protest and as a final mandate, the crudities and barbarites of the Scriptures upon this subject. The problem must be approached with calm and impartial mind, and its various aspects examined and studied and passed upon in the light of human experience and the demands of human society.

But, here new complications arise, and there is foreshadowed a renewal of the age-old conflict between the forces of the church, on the one hand and the liberal spokesman of the people on the other—one loudly proclaiming the eternal sufficiency of the Scriptures, and the other insisting upon a rational adjustment of the laws to prevailing conditions, and demanding the permanent retirement of the church from all affairs of civil or secular concern.

In the past, the prelate and the politician have supervised this important legislation. They have drafted and interpreted the law— always in accordance with biblical precedent; and as the politician has rarely been a secularist, the church

has dominated the situation and exercised, without serious, opposition, the right to dictate the marriage laws.

The average legislator, who attains to his distinction by the grace of the party "boss," the favor of the "machine," or through the corrupt influence of money interests, is not always a paragon of intellectuality and his capacity to decide such momentous matters may be rightfully questioned.

The ecclesiastic is disqualified by his profession.

His time has been so engrossed by study of the conditions that are supposed to obtain in that vague, fantastic country beyond this manifest and palpitant realm that he has neglected to acquaint himself with the concernments of this inconsequential sphere.

The priest is never a safe guide in the affairs of *this* world. He is permitted to think only along certain lines and within defined limitations, and hence can never rise above his creed.

The predisposition of the churchman, or the religionist, to do no violence to the precepts of his particular faith, renders him incompetent to determine the true import of material or secular things, and, therefore, incapable to construct equitable laws for their regulation and control. It is little less than criminal to continue to commit the most sacred rights of society to the keep-

ing of fanatical men, or men not fully equipped by broad, liberal education and scientific training, to administer such a trust.

The religious zealot, whether in or out of a pulpit, is able to take only *one* view of the great question of Divorce, and that is one of unalterable opposition. His position is not grounded upon the indisputable facts of history, the investigations of science, or the experience of society, but solely upon his faith in the unerring wisdom of the Scriptures, and his belief in their *divine* inspiration. Such men cannot be capable leaders in secular matters.

For many years and many generations, the priest, because of his calling, was regarded as a man endowed with a special and superior quality of intelligence, whose opinions and judgments were divinely guided, so that a sort of infallibility attached to his utterances. This is now all changed. The modern estimate of the minister of the gospel and of his force in the world, is aptly expressed in the following language of a now famous Agnostic who once occupied a prominent orthodox Christian pulpit:

"In the good old times of blessed tradition, if not of memory, the preacher was supposed to possess most of the piety and all of the learning of the parish. He was regarded as a superior being living in the world as a condescension to

ordinary mortals. It would have created little surprise if a chariot of fire had come for him almost any day, and carried him to heaven as it did Elijah. Whatever he said was said not on his own authority but as the accredited agent of the skies. Neither himself nor the people would have dared to contradict or question the message which he had no responsibility for, nor in, except to deliver. Such a strange condition of affairs grew out of the belief in a distant God who must needs have his agents and representatives to declare His will and utter warnings, and administer what few spiritual affairs there were in a very secular and unregenerate world. All this has changed in these later years. The pulpit has no monopoly of the learning nor of the piety. The agencies that have promoted general intelligence have toned down this presumption of the pulpit. In fact there are many people who be lieve that, barring technical knowledge of church history and creeds and dead languages, the average preacher is not as well posted about this live world and what is going on in it, as the average business man or the lawyer or the physician."

No man whose mind is controlled by a hobby or a creed is qualified to decide in matters of vital human interest.

The average church authority is necessarily a partisan. In the nature of things he believes

his church—that is, the particular faith to which *he* subscribes—to be the *one* and *only true church,* otherwise he must admit his insincerity and confess himself a hypocrite. He believes, or he *thinks* he believes, that what God has joined together no man may put asunder. While this may be true, there still remains a question as to *what* things are *joined of God,* and how these unions are brought about? There is no evidence that God has joined those who *desire* to be separated — the facts would seem to prove the contrary; but as this may be, the church gentleman arrives at his position by a very different mental process than that employed by the thoughtful layman. His Eminence, or his Grace reasons that there can be no question about God's participation in the Marriage ceremony, because the "holy church" has given its sanction to the contract. The church being God's institution, its ordinances and functions and ceremonies are His, and what it does, He does. So in the last analysis this must be the churchman's view: "Whatsoever the *church* joins by its ceremony is joined of God, and, therefore, let no man put it asuder." But, this philosophy is barbarous. It is cruel because it is false, and it is immoral because it is unreasonable and because it does not accord with the natural order of things.

If we are to benefit by the experience of the past, we must abandon the false Prophets and take no counsel of religious zealots or Bible enthusiasts, in the great work of re-writing the laws relating to Marriage and Divorce. The reformist should be, first of all, *sane,* and his soundness of mind should be an established fact—at least one susceptible of easy demonstration. Then, as a further qualification, he should be a man of mental power, moral courage and at all times the uncompromising disciple of truth—uninfluenced by superstition and free from all religious bias, pious pretense or pedantic prudery.

Counsel should be taken only of the world's recognized best thought. The discoveries of science, the deductions of human reason and the experience of history should outweigh all traditional customs and beliefs, and all arbitrary dictum based upon the theory of divine intervention, revelation or special inspiration.

The practical wisdom of mankind stands arrayed in opposition to the delusive hopes, the befogging theories and the confusing hypotheses upon which our *monogamic* system has been constructed. Science has demonstrated that the inexplicable attraction which takes place between particles of bodies and unites them to form chemical compounds, exists throughout all nature, animate as well as inanimate. It is now known that forms and ceremonies and rituals have little to

do with the enduring marriage; that no power, in Scripture or sky can avail to make tolerable or desirable a union where love is not; that men and women involuntarily and unconsciously—but in obedience to the law of affinities—seek each other just as the metals combine and harmonize their atoms—just as the pollen of the flower finds its kind.

It is contended that society has a vital interest in the sex relation; that sex ignorance involves self ignorance, and leads inevitably to the reproduction of the unfit; and that scientific enlightment in sexual matters is the only remedy for the social evils that threaten the destruction of homes and the degeneracy of the race. Also, that the higher development of men and women physically intellectually and morally is of vastly greater importance than the perpetuation or the passing of any ordinance, creed or institution.

The conditions under which men are born have much to do with their lives, their usefulness in the world and their influence for good or ill. The position of the church has always been one of indifference in these matters. The church has always considered it of greater importance that children should be brought up Catholic or Presbyterian or Baptist, than that they should be conceived under *normal* conditions and be properly born. But, an awakened and en-

lightened civilization will demand that future legislation affecting the marriage relation shall be weighed and determined in the light of the Twentieth Century, and not hampered nor restricted by the cramped moral standards and dogmatic pronounciamentos of the long ago.

All human laws will succeed only in the degree that they do not conflict with natural laws, and the *law* of *natural selection must have full and free operation if marriage is to remain a desirable institution of society.*

CHAPTER III.

Taking ourselves too seriously—Man is not a Special creation—The Monkey and the Monarch the same thing—All forms of Life equally precious—Theory of Man's Free Agency fallacious—Neither Church nor State properly concerned in Marriage contracts—Love alone the determining factor — *Thinking* evil, *makes* evil.

Sometime in the future—perhaps not far distant—we will find our proper place in the world, and learn something of our economic relation to each other.

We will then be freed from a sort of forced allegiance to many of the doctrinal notions and theologic teachings that have kept the world in fear and darkness.

We will disabuse our minds of the belief that we are the creatures of a special providence, and that "the earth and the fullness thereof" was made solely with a view to *man's* needs, and for *his* use and comfort.

We will no longer credit the puerile story—

of antetelescope days—that the sun and the moon and the stars were hung in the heavens to please the sight of *man*, and incidentally to light his way over the earth.

Much of our trouble has come from our *habit* or *inclination* to view life through a colored glass, which distorts the facts—to be bound by theories and philosophies that had their birth in ignorance and superstition.

We have been—all of us—taking ourselves too seriously. A large part of our trouble lies in that fact. Our fancied dominion over the earth, coupled with the assurance of a divine guardianship of our interests, and the heritage of Heaven as a reward for our faith, has quite turned our heads. Out of this baseless doctrine we have developed an extravagant notion of our own importance in the world; and for centuries this wholly unwarranted theory has lead us away from the truth, and has greatly interfered with our *real* mental and moral growth.

We are just beginning to find out that *man is not a special creation,* but that he is the product of countless evolutions—that he is yet in the making—that he has been on the way through all the dreary past, and that he will journey on through all the brightening future.

Research in biology and in geology, has forced the conclusion that the earth and the fullness thereof was not made for man any more

than that man was made for the earth, etc. Dogs were not made that fleas might prey upon them: neither were fleas contrived because dogs were out of favor with the Fates. But, we have always reasoned that way.

We have made ourselves believe all other forms of life were less precious than our own, and that we had a sort of *divine right* to slay beast or bird with impunity, and without the slightest compunction of conscience.

Every man who ever went forth, with murder in his heart, and plunged a cruel blade of steel into the throat of an unoffending lamb, or who with bloody bullet robbed the air of its beauty and its song—has always absolved himself with this mistaken and egotistical assurance of his own importance and superior worth. He has deceived himself with the destroying belief that these creatures were made for *his* use and comfort.

In the economy of the Universe, *all things are equal.* The *man* is of no greater consequence than the monad: the monkey and the monarch are just a little more, or a little less of the same thing—time and environment and the impelling law explain the apparent difference.

There is a probability that the world will presently be forced to abandon—at least in large part—the much vaunted and Scripturally bol-

stered theory of *man's free agency,* upon which hypothesis has been built all prevailing moral systems.

Man is *not* a free moral agent, but only appears to be, and thinks he is.

This means that he is not individually or personally—that is *in* himself or *of* himself—fully accountable for what he does or thinks. Vicious or virtuous tendencies may present themselves in any person, just as measles, or whooping-cough, or hay-fever enter the physical organism, and the responsibility rightly runs against the conditions surrounding the individual rather than against the individual himself.

As we became more truly enlightened, we will not be so ready to blame and censure: we will develop a better consistency of judgment; and the knowledge we will acquire of *our own share* in our neighbor's so-called wrong doing will fill us with a feeling of tenderness and compassion rather than with a desire to condemn and to punish.

A further pursuit of this question will lead too far from the purpose and scope of the subject in hand so it will be dismissed with just another thought: Why should a man be charged with responsibility for his act, when he is not the author of his own being, and is not accountable for his presence here?

It is quite apparent that we—each of us—

are not only dependent upon the things about us, but that we are dependent upon the least thing about us. In other words, everything that *is*, is necessary—aye, is essential to the existence of every other thing that *is*. It is now a well established fact, whatever may be the notions of some of us to the contrary, that we are held and circled and ruled by conditions over which we are powerless to exercise the slightest control—that our destiny is shaped by these conditions, and we go forward or backward, not as *we wish* or as *we will*, but as *we must*.

Where it appears that we do things of ourselves—of our own choice or volition—upon examination it is made quite clear that the initial impulse—the prompting back of the act—is in obedience to a force not resident within us. The seemingly *voluntary* judgments of the mind, which determine the preference or choice of the individual to *do*, or *not* to do, are dependent upon pre-existent forces and conditions not subject to his pleasure and which, so far as he is concerned, operate *involuntarily*. For instance; the physical functioning of the brain, which must necessarily precede any judgment of the mind, is contingent upon the *circulation of the blood*, and this mysterious movement of the blood through the vascular system of our bodies, which we call the circulation, is one of the *involuntary* activities of each individual. So, instead of free

agency or independence upon our part, with reference to the acts of our will, there is a probability that we simply automatically adjust ourselves to changing conditions; and these conditions which lie beyond our power to regulate or direct, are responsible for our responding action.

Some day we will be able to better trace the *source* of our desires; the *occasion* for our emotions; the *cause* of our propensities, and we will seek to find the *law* back of our *acts* and *moods* and *tendencies,* and we will then strive to harmonize *with it,* our rules of conduct and our notions of *right* and *wrong.*

As we grow in larger knowledge of ourselves, and our true economic kinship, we will discover that many of the difficulties we encounter—the obstacles that lie in our path—are the certain and unavoidable out-growth of our own obstinate adherance to false and misleading ideals.

For some reason that cannot be easily explained, we nearly always contend against the very thing that we later approve and adopt. This may be called a human weakness. We have not yet learned the wisdom of submitting gracefully to the inevitable, but we maintain a constant warfare with Fate.

And, in our social relations, we defy the very law of our being—we set at naught the natural impulses of the heart, and we wonder

at the *wickedness* and *perversity* of the world, while we condemn and ostracise those who have the hardihood to spurn our conventionalities, and to follow the *natural* bent and yearning of their souls.

Neither the Church nor the State are properly or rightfully concerned in the personal agreements or partnerships entered into by men and women; and have no warrant in principle to attempt to regulate or to fix or limit the duration of such contracts. The relation of the State is the same as in that affecting property rights, and its office is simply to act as custodian of the facts submitted for record; and the ceremony of the Church is purely perfunctory, and aside from its show and social color is without force or significance.

When a boy and a girl, *under natural conditions,* avow their love for each other, they immediately become qualified by that fact to perpetuate the race, and without the necessity of a public declaration, the recital of prescribed formulas, or other meaningless ceremony, they are then to all intents and purposes married. This confession of reciprocal love, alone, constitutes the *real* marriage; all else is foreign, non-essential—pretty, but empty formality.

Under a sane hymeneal regime, this simple yet sublime interchange of the secrets of their

hearts would forthwith clothe the wooers with every right that could possibly be conferred by minister or magistrate. "No mumbling priest nor wedding feast" can add anything to the solemn compact, already complete, when two confiding hearts confess their love.

Nature, working through her children, is seeking constantly to give physical utterance to the ideal—to produce the perfect—and this voluntary, spontaneous declaration of love by the maiden and the man, is the expression of Nature's desire.

The statute should be made to conform to and not to interdict, or interfere with, or render inoperative the apparent design and intention of Nature in this respect. If it were not natural, it would not be so, and *being natural, it is right!* It is only a perversion of the moral sense that prompts a stifling of the natural impulse, or a prevention of the proper consummation of a normal love.

This may all sound extremely shocking to the hyper-sensitive, or to those self-sufficient mortals whose mental machinery remains stationary, and whose only criterion of propriety, is a much colored notion of themselves, but the fact remains, however much we combat it with a decadent philosophy.

What I have here announced is designed as a scientific perspective of the question, and it is

not to be lightly considered, or rashly construed as an attempted justification of the lewd or licentious. Some minds are so constituted that they are given to promptly condemning, without fair analysis, all deductions that fail to comport with their own preconceived opinions—to all such the progressive soul has but one observation to make, namely:

It is an *awful* thing to think about, if you *think* about it as an *awful* thing.

Our way of *thinking* needs reforming sometimes quite as much as our way of acting, indeed, if we think rightly our actions cannot fail to accord, for our deeds are but the concrete expression of our thoughts.

Our mental attitude towards the facts of life, accounts for much of the so-called evil in the world, and fortunately this mental attitude is not a *fixed* condition with any of us, but is a thing subject to change. This variable and instable quality of the human mind is the distinguishing feature that differentiates man from all other animals, and gives him his supremacy. If he had not changed his mind, if he had not reasoned out the better way, and put behind him the "good enough" methods of his ancestors, he would still be living in a cave, and all the world would be a wilderness.

Man's moral view of life will continue to

broaden, in the future as it has in the past, until by a gradual and subtle process that which was considered *wrong*, will become *right*. Thus will evil disappear from the earth; not the thing itself, but our mental attitude towards it will undergo a radical change. This will not be accomplished without a struggle. The "forces of purity," the self appointed conservators of public morals, will ever contend against the "powers of evil," but in the natural order of things this wonderful and seemingly impossible ethical metamorphosis will come to pass. The world will constantly grow better, and man will advance morally in the degree that he succeeds in harmonizing his rules of conduct with the natural desires of his being.

When we have mastered the lesson, all marriages will be made in heaven, for then indeed the Kingdom of Heaven will have come among men.

Some Suggested Reforms.

And what is wedlock forced, but a hell, an age of discord and continual strife.—Shakespeare.

CHAPTER IV.

Many radical Reforms of the Marriage laws being agitated throughout Europe—In England, only the Rich can afford the luxury of Divorce—Liberal Laws of Hungary and Germany—"Trial marriages" urged in France—Marital unrest in United States—General revolt against present Marriage system—The Church opposed to any change—A Bishop's constricted view—A Cardinal would discriminate against Woman.

Since the dawn of the Twentieth Century law makers throughout the civilized world have been agitating radical reforms in marital legislation.

In England, a few years ago, a bill was introduced in the Parliament favoring the "terminable marriage" — a temporary contract for two, three, five or ten years, with privilege of renewing at the expiration of the term at the pleasure of the contracting parties. Later, "trial marriages" were proposed. Under this plan those who contemplated matrimony would agree upon

a trial period, preceding the date of the formal marriage announcement, during which time—under the sanction of the law—they would live together as man and wife.

If at the end of this period they found themselves temperamentally in accord and sexually reciprocal, the minister or magistrate would be called in to formally complete the union. If, on the contrary, they discovered that their ardor for each other had cooled and that they were not any longer essential to each other's happiness, they would simply bid *adieus* and go their different ways, and in the light of the law, they would stand absolved of any wrong doing.

Both of these proposed reforms failed and rightfully so. They fell far short of their purpose, in fact they did not touch the evil they were designed to combat. But, notwithstanding the crudity and dangerous deficiencies of these plans and the loose and low estimate they placed upon the institution of matrimony, they were earnestly championed by a strong following and abandoned only after a prolonged and bitter contest. As a result of this discussion, a somewhat modified reform of the marriage laws was accomplished. Divorce is not only recognized under the new act but is regulated more in accordance with the liberal ideas of the time; however, in the British Isles the grounds for absolute divorce are much more limited than in the States of the

Union, or in many of the countries of continental Europe.

As yet the law affords only small comfort to the poor, in England, who chance to be unhappily mated. The cost required to set in motion the ponderous machinery of the British Court, would bankrupt the petitioner of ordinary means.

Only the rich have the hardihood and the cash to withstand the strain of the lubricating process. So, *absolute* divorce in England is one of the *luxuries*—beyond the reach of the poor, and which only "gentlemen" may enjoy.

The laws of Hungary, in this respect, may be cited as a fair example of the most liberal in so-called Christian Europe. Besides the several causes which are generally recognized as grounds for divorce the trial judge in Hungary is given an unusual latitude in deciding such actions. He is permitted, in his discretion, to grant divorce for any violation of the marriage obligation that in his opinion has so seriously disturbed the marriage relation as to render its continuance unbearable to the party bringing the action.

The wide powers given to the court, under the Hungarian regulation, might afford inspiration to our statute-builders if the wisdom, character, temperament and impartiality of judges could always be relied upon; but such a system opens the

way for favoritism, bribery and extortion. There is a probability that the ends of justice would be better served if the law in all such cases were mandatory on the court, and his personal opinion or discretion not permitted to intrude.

It may be readily appreciated what a havoc of hearts might be worked by a severe or a sympathetic judge, or one whose own life had been imbittered by some marital misfortune. The competency of a bachelor judge might be properly questioned: and with equal right the petitioner at court might inquire into the qualification of a judge who himself had been, so to speak, too much married. But, so much for the good and the bad of the Hungarian plan.

In Germany, it is the custom of courts to condone many offenses against the marriage laws on the ground of public expediency. Common law marriages are recognized in several of the States of the Empire and parties to such matrimonial alliances seldom, on that account, suffer social discredit.

An interesting anomaly of the German law is found in that section of the code respecting the important question of alimony. This is the language of the statute: "If the husband alone is declared guilty, he must support the wife in a manner suited to her station," etc. She is not required to labor for her support, unless she was

a breadwinner before the divorce. "If the wife alone is declared guilty, she must support the husband in a manner suited to his rank, in so far as he is not in condition to support himself, etc. The obligation to furnish support ceases with the re-marriage of the party having the right to such support.

Prior to the Revolution, marriage in France was considered a sacramant and was regulated by the Canon law. Since then it has been considered a civil contract and has been regulated by the State.

As the people came more and more under the influence of the Roman Church, divorce became less common. The Church never favored divorce, and tolerated it only to the husband for the adultery of his wife. From the Twelfth Century the Church taught that a marriage consummated in fact could not be broken save by death. This became a part of the Canon law, and the civil law was made to conform to its requirements.

But, under the influence of the spirit of freedom, which swept over France during the Revolution, the view that marriage is only a *civil* contract came to be more or less generally accepted. The National Assembly yielded to this demand and enacted a law September 20, 1792 establishing the right of absolute divorce. It was on this memorable occasion that the French Assembly,

by practically a unanimous vote, repudiated the marriage doctrine of the Scriptures and announced to the world that; "an indissoluble marriage meant the death of individual liberty." This law, however, was displaced by the Code Napoleon in 1803, which with but few modifications continued in effect until 1884.

During the opening years of the present century, the agitation throughout France for a further modification of the laws respecting marriage and divorce became so general and so insistent that the government was forced to institute an inquiry as a basis upon which to formulate remedial legislation.

Acting under the instruction of the House of Deputies, the Minister of Justice appointed a Commission of wise and able men to investigate the various aspects of the marriage question, and to make recommendations for a rational revision of the marriage laws.

After an exhaustive inquiry into the causes of divorce and the effect upon society of such legal separations the Commission reported in favor, not only of the existing law but recommended even greater liberality in respect to the grounds for which divorce may be granted.

The report is a formidable document of several hundred pages, and is one of the most valuable compilations of Marriage facts and figures in existence. Before the formal discussion of the

report, by the House of Deputies, many of the most radical of its suggested innovations were from time to time printed in leaflet form and distributed generally among the people. This piece-meal presentation of the findings and conclusions of the Commission was designed to sound public sentiment upon one issue at a time. The plan was distinctively French. It proved both wise and effective, and awakened widespread interest and controversy throughout the Republic. It operated to "break the news gently," so to speak, and at the same time afforded a perfect line on the temper of the people.

Among the many unique and advanced positions taken by the Commission, may be mentioned a declaration in favor of "trial marriage," in this much that it proposed a law permitting divorce after a trial period of two or three years, by mutual consent, or on the ground of "incompatibility." The perfect equality before the law of women with men is urged with great force and wisdom. Adultery is recognized as a cause for divorce for the wife on the same conditions as for the husband; and furthermore it is proposed to give to the married woman complete control of her own property. This is certainly an immense step forward, and presages the dawn of the day when woman will stand truly emancipated, and come into her rightful estate. Another advance step worthy of note

here is the special indorsement which was given to that section of the existing French law which prohibits, under penalty of fine, the reporting of the details of divorce trials in the public press.

There are many sound objections to the "trial" or "optional" marriage plan of the learned Commission, which, no doubt, defeated its adoption, by the people. Agreeing, in advance, to divorce if everything failed to go merrily, was too much like buying goods under a guarantee of service, "or money back," to find permanent favor with the sensitive and sentimental French. It smacked too much of commercialism, and then there was an objection—purely psychologic—that was successfully urged against it, viz: The plan carried with it a subtle and fatal *suggestion* that could not fail to disturb and unsettle every marriage contracted under its provisions.

Such bargains are not consistent with the highest moral conceptions, or the best marriage ideals, and could not be prompted by an absorbing desire for a home and family, which alone is the impelling cause of marriage under *natural* conditions. Where *love* rules the hearts and minds of those who seek each other in marriage, the contemplation of divorce is one of the impossible things.

The question of Divorce, and its complex ramifications, has not failed to engage the in-

terest of thinkers and writers' throughout the United States. The fact that upwards of seventy thousand divorces are annually granted in this country, has awakened widespread apprehension among those who see in this condition a menace to the nation.

It has been seriously and ceremoniously announced by the census department of our Government, that *one* in every twelve marriages in the United States *is*, or *will* be dissolved by Divorce.

That means that over *eight* per cent of all the marriages, celebrated under the existing system, prove such insufferable failures that the unfortunate victims are willing to undergo the humiliation and the disgrace of a public renunciation of their vows, rather than continue longer to privately endure their cross.

It is safe to figure that this eight per cent represents less than twenty per cent of those who would divorce, if it were not for the unnatural and unreasonable bars that a short-sighted public policy has established. In other words, between 8 or 9 out of every hundred, is just about *one-fifth* of the number that want divorce, and need and should divorce, but who are restrained by the iron hand of custom and conventionality.

These figures afford only a hint of the growing unrest that underlies our whole marital system—the fainest odor of smoke arising from the

smoldering fire which must sooner or later burst into flame.

It takes generations of suffering and sorrow to usher in a useful reform.

When human endurance reaches the extreme limit—when it can not longer bear up under the burden—it just drops the load; faces about, and starts anew.

The history of human progress is marked all along the trail by this process of loading and unloading of senseless and destructive systems; of submission and revolt. This is true in every field of serious endeavor. The back is bent to the breaking point before a protest is made effective. The people are always in slavery, and the kings enthroned, before the fight for freedom is taken-up in earnest.

This *unrest* is the unmistakable evidence of a general revolt that is forming against a marriage system that is defective and bad; and while it portends disaster to the system, it does not in any degree menace free institutions, or the real moral advance of the people.

There is no occasion for serious alarm, althought a surface view of the situation is not reassuring.

At first glance, it would appear that seventy thousand homes are being destroyed by law in this country every year. If true, this indeed is an appalling state of affairs and may well excite

alarm, but upon closer investigation, a very different condition is found to exist.

In a vast majority of these cases, the divorce, instead of working the destruction of a home, has been the essential step in the direction of making a home. Discordant and warring natures have been separated and permitted to seek more congenial and harmonious surroundings and associations. Innocent children have been rescued from the poisonous and dwarfing influence of quarreling parents. Shadowed and desponding lives have been flooded with light and hope; dead hearts have been quickened back to life, and the sum of human happiness has been increased.

An advanced thinker and an interesting writer on this subject, declares that: "We can see about us so many instances of the relief from intolerable conditions which is afforded by divorce that we are compelled to recognize it, in such cases, as more of a sacrament than the marriage which it dissolved."

In many cases the effect of divorce upon the home and society is not any more disastrous than are the unnoted consequences which follow the thousands of *engagements* to *marry* that are made and broken every day. The only real difference is that in one instance the contracting parties, on their own motion, absolve themselves from their vows, while in the other, the state acts as referee; in one case the break happens after a mean-

ingless religious ceremony, and in the other in advance of it. The effect upon society is nil. The parties to these broken engagement vows rarely cherish towards each other an abiding ill-will. They simply cease to be lovers, but frequently continue throughout their lives fond and faithful friends.

In cases where the marriage ceremony has intervened before the estranging or alienating influences develop, separation would seem all the more proper and imperative, if the happiness of the parties themselves and the well-being of society are to be wisely safeguarded. Where the situation is not yet complicated by the presence of children, there should be no legal obstructions in the way of a speedy release of such ill-mated people from their unnatural, and certain to become intolerable condition.

Of course, any condition or movement, or growing sentiment, which tends to bring marriage into disrepute, or which encourages a low and frivolous estimate of its duties and responsibilities, is fraught with grave and far-reaching consequences. To safeguard against these very threatened dangers is conceived to be a duty of the State, and of every earnest member of society.

The question of reforming the marriage laws, so as to more nearly conform them to the requirements of changed con-

ditions and the spirit and genius of the time, has long since become a subject of general interest. Many books, both serious and sensational, have been written upon this theme, and widely distributed.

All the "authorities" have been interviewed and reported. Learned jurists and statesmen, and scores of churchmen—from cardinal to curate—have contributed articles to popular magazines expressive of their views and recommendations.

The surprising thing is, that so much has been written, and so little new thought has been advanced.

All of these essayists, with no notable exception, have contended for a restriction of the Divorce law, their evident purpose being to reduce the number of divorces by making the legal procedure difficult, or dishonoring to those who must invoke the law. They seem determined upon making divorce impossible instead of striving to make it unnecessary.

A conspicuous Episcopal Bishop is quoted as having said: "The *divorce evil* has flourished because it has not been sufficiently condemned. Divorced persons are not made to feel any inconvenience or disgrace."

This unfortunate and ill-advised utterance is emphasized and reinforced by the following still more unfortunate declaration of a distinguished American Catholic Cardinal: "A reason why di-

vorce is on the increase is to be found in the attitude of society towards persons who are divorced. In former times, a woman who was divorced was shunned. She was not received nor recognized in good society, and was frowned upon. Nowadays that is not the case. If the *divorce evil* is to be checked, there must be a stricter regard for the truths of the Christian religion. Every one of the gospels is opposed to divorce, and accordingly the state laws should be made more severe."

This remarkable opinion of the Cardinal is interesting and significant for what it recites and also for what it implies. His Eminence not only misses entirely the important reason why divorce is sought by normal people, but he displays a dangerous disposition to discriminate against the woman in divorce actions. He would, by law and custom, make her bear the burden and the blame, as she did in that indefinite *former* time, to which he refers.

Singularly enough divorce, which is the only means of escape from a condition filled with possibilities of evil, is itself generally regarded an evil. This is a popular error which leads many minds astray at the outset.

The *evil,* or apparent evil, lies back of the court action, and will be found not in the *divorce,* but in the circumstances preceding the filing of the petition—the reason and the *cause* for the divorce.

To prohibit divorce, or to render it difficult or onerous; or to taboo or ostracise those who must accept its refuge, is to multiply and to intensify the very *evil* conditions that the peace and common good of society demand shall be corrected.

Divorce is an *effect* of our matrimonial mistakes, not the *cause*: it is not a disease, but rather the unmistakable indication of the existence of a diseased condition, and no restrictive or prohibitive divorce legislation can avail to better our unfortunate social plight, so long as the *necessity* for divorce continues to exist. The effective remedy will not deal with symptoms, but will go directly to the seat and root of the disorder.

CHAPTER V.

Divorce, a factor in Moral up-lift of Society—The Dakota "Omnibus Clause"—The "Model" Divorce Bill framed by the Philadelphia Congress, not a Remedy but an Irritant—Attitude of State indefensible—The Sane and Moral may not hope for Relief under the proposed Statute—Popes and Priests not final Authority.

In many instances divorce is a real blessing and makes for the development of better men and women, and consequently is an important factor in the moral up-lift of society.

Before entering upon a defense of this position it will be proper to briefly consider some suggested reforms that are occupying the attention of the country.

The general agitation of the so-called "marriage question" which has been going on during the past decade, with increasing feeling and fervency, has set in motion many reforms more or less radical, for special legislation in nearly all the States of the Union.

Moralists, lawgivers and sociologists have from time to time contributed much valuable in-

formation to the general fund upon the subject, and as a result a question which for centuries had been arbitrarily settled according to a fixed rule, is now become a mooted and debated issue.

The active participation in the discussion, by some of the best scientific minds, has had the effect of staying any precipitate action along ill-advised lines, until a careful investigation could be had of the existing laws and the experience derived from their operation. This knowledge is certainly important and essential to the success of any remedial or reformative legislation.

One of the greatest difficulties encountered by those who would recast the marriage laws was found in the wide differences existing in the various States, relative to the causes for divorce, and what is known to lawyers as *procedure* and *practice.*

It was found that so long as the legal procedure differed in different States, it was quite impossible to determine the real value of the law in any particular State.

The State of South Carolina, for instance, has no provision for the granting of divorce. The new Constitution, adopted in 1895, expressly prohibits divorce and divorce legislation. This is the language: "Divorces from the bonds of matrimony shall not be allowed in this State."

New Hampshire occupies a position probably at the other extreme. The Constitution of the

State not only provides for divorce but the statutes recognize *fourteen* causes for divorce, any one of which is a sufficient ground for a dissolution of the marriage contract.

In Georgia the trying suspense and the pain necessarily incident to the ordeal of divorce is unduly prolonged, and to no good purpose. The Constitution provides that "no total divorces shall be granted, except on the concurrent verdicts of two juries at different terms of court." Eight causes for divorce, however, are recognized by the statutes.

It has been the settled policy of New York, for years, to grant divorce for adultery alone, while in the State of Washington, and until recently in South Dakota and Utah, the law makes it the duty of the court to grant divorce when it appears *"that for any reason, the parties cannot live together in peace and happiness; and when their general welfare seems to require separation."*

It was against this section of the Dakota law, known as the "Omnibus Clause" that the churchwise of every State wrote and declaimed. These "holier than thou" conservators of other people's morals could see in the operation of this law only moral chaos and social ruin. No sane argument was at any time advanced in defense of their course, but their whole contention was based upon the single theory that the law must be bad, be-

cause there was no Scriptural authority for its existence.

The writer wishes to record himself, here, as a subscriber to the spirit and letter of this "obnoxious" section of the Dakota law, and to add that if in his power, he would write it into every statute book between the two Oceans. In his opinion, there is indicated in this law the only humane, moral and civilized course, in divorce proceedings, that a humane, moral and civilized people have any justification in pursuing.

The "Omnibus Clause" was finally repealed, but, be it said, to the credit of the Dakota Legislature, not because of the senseless and frenzied crusade of fanatics, but for the ample reason that the good people of South Dakota resented the besmirching of the fair name of their State by transplanted scandals, that should have been confined to the environment of their making.

But this Dakota experiment developed two interesting, important and significant facts that should be carefully weighed by those who still cherish the hope or belief that the solution of the divorce problem lies either in abolishing or in unduly restricting the causes for which divorce may be granted.

FIRST: This law which was held to be such a menace to social order, did not demoralize the people of South Dakota, and did not materially

increase the number of divorces granted to *bona fide* residents of the State.

SECOND: The largest number of those unfortunates who migrated to Dakota in search of freedom from intolerable conditions, that their home States declined to relieve, came from South Carolina, the only State in the Union which has, for nearly forty years, persistently refused to recognize or sanction divorce.

This stern policy of the South Carolina Legislature in refusing to grant legal separations, under any circumstances, has, of course, entirely wiped out divorce actions in that State, but no normal man will contend that this obdurate and unyielding attitude of the Carolinian lawmakers has changed human nature, made homes happier, or in any degree advanced domestic felicity in the Palmetto State.

The failure of the South Carolina Constitution to make provision for divorce is either a cowardly concession to the arrogance of ignorance, and priestly presumption, or it is a deliberate brutality, designed by brutal men for the humiliation, degradation and enslavement of noble women, who must endure with unavailing protest, the cruelty and infidelity of recreant husbands.

A serious movement, having for its controlling purpose the adoption by all the States of a *uniform divorce* law, was inaugurated in the City of Washington early in 1906.

Forty-one States of the Union were represented in the convention which assembled. It was a formidable gathering made up of men and women drawn from various of the higher walks of life, and, apparently qualified to furnish the world with much new and saving light upon a grave and exceedingly vexed question.

After a session of one week, marked by the introduction of radical and revolutionary proposals, some brilliant debate, and the eloquence of earnestness, the convention adopted a set of resolutions and adjourned. In the fall of the same year, the congress reassembled in the city of Philadelphia and proceeded promptly to the framing of a statute, which the legislatures of the various States would be called upon to adopt, and to write into their laws.

Great public interest had been awakened by the spirit of the early deliberations of the convention, and the announcement of its findings was awaited with high expectations, but the law, as finally drafted, was a keen disappointment to those who expected something at least approaching a solution of the great problem discussed. One of the members of the Committee on Resolutions, being interviewed, declared apologetically that: "While the real question at issue has not been touched, it is my belief that the general adoption of the statute will do away with much scandal and

many abuses in administration, which characterize the operation of present divorce laws."

It is the same old barbarous law of the Old Testament, and is palpably a cowardly surrender to tradition, prejudice and convention, and leaves the great problems presented by the prevailing condition of "marital unrest" just where the Congress found them.

With the exception of an unnecessarily cruel provision requiring courts to withhold final decree of divorce, in all cases, until one year after judgment is entered, the law presents nothing new in principle or practice.

Under the proposed uniform law, a divorce may be granted only for certain definite causes which are specified in the statute and one of which every unhappy petitioner is required to plead under oath. They are as follows:

Adultery,

Bigamy,

Willful desertion for two years,

Habitual drunkenness for two years,

Conviction of crime and continuous imprisonment for at least two years,

Extreme cruelty, "such as to endanger the life or health" of the other party, or

Hopeless insanity.

The presumption of the State, under this

law, is that *crime* and *lunacy* are the only dissolvents of the marriage bond.

No other causes for divorce are recognized, and the crime is specified, and limited to a singularly offensive sort; and the lunacy must be an *incurable* condition.

This is where the writer takes issue with the rash reformers who framed that measure; and with all the good-intentioned, but over-zealous and ill-advised people who would now inflict it upon the country.

The adoption of this law by all the States will mean that a premium will be placed upon faithlessness, brutality and crime; it will mean that self-respecting and reputable people, whose magnetic forces have ceased to blend, may not hope for escape or relief under the law; it will mean that in some extreme cases the awful alternative of murder and suicide will grimly answer the unnatural requirements of the statute; it will mean that the curse of unwelcome children will continue to blight the race, and it will mean that an undeserved stigma and a reproach will always attach to divorce, and disgrace and scandal will follow both the culpable and the innocent.

This measure fails to touch, even remotely the evil it is expected to overcome, as its framers have sadly failed to recognize the relation of matrimony to economic and social conditons.

Dissoluteness, profligacy, drunkenness, cruelty, desertion and abandonment on the part of husbands and wives, are all the *effects* of a cause that lies deep in our defective social system and which present laws not only do not reach, but rather encourage and aggravate. All of these deplorable consequences might be avoided and rendered practically impossible by the enactment of a wise, humane and civilized law that would permit the timely separation of people whose lives no longer center in each other.

The proposed law utterly disregards the rights of honorable men, and the higher rights of worthy women, and takes no vote whatever of the rights of the billion unborn who are coming this way.

For these, and other reasons, the writer condemns this law and protests against it with all the ardor of his nature; with all the force of his being; with every fibre of his soul.

The attitude of the State, under the provisions of this proposed law, towards those who seek a dissolution of the marriage contract, is indefensible upon any ground except the single one that it conforms to the implied Scriptural injunction contained in the language of the Old Testament, that *marriage is the union of one man and one woman for life.*

Human experience and court records have

demonstrated that marriage is not a life union, notwithstanding the "inspired" position of the Scriptures on that point. It may be so in principle, but this is an intensely practical age, and we are beginning to find out that human happiness depends upon living life much as we find it. It is also being disclosed that only one thing can insure the stability and lasting character of the marriage tie, and that *one thing* is *Love.*

Where true love exists, violations of the marriage rights or obligations by either husband or wife, are impossible, but when love has passed hate may be in the next degree, and every evil thing is possible.

Instead of requiring the filing of such charges by those who feel warranted in seeking a dissolution of the marriage bonds, the law should discourage, if not expressly prohibit, such a course.

And the public recording of any of these charges and the discussion in open court of their sad and sometimes revolting details is inexcusable.

The public were not a party to the making of the contract, and are not rightfully concerned in the breaking of it. Publicity in such matters can serve no good purpose. It has no deterrent effect and conveys no moral lesson.

What can be the theory of the State?

What is its purpose and aim?

Does it intend to make the divorce proceed-

ing so arduous and disgraceful that only the desperate or disreputable will have the hardihood to undertake it?

Does it design to deny divorce to sane, moral and considerate people, and open its blessed refuge only to the vile, the recreant or the demented?

Does it hope that the necessity for divorce will be done away with, or that the conditions which tend to and demand divorce will disappear or be overcome if the difficulties of securing a legal separation are multiplied?

Does it dream that men may be made moral by law, that love of husband or wife or child may flow from legislative enactment,

Or is it possible that the statutory causes set out in this proposed bill are designedly made obnoxious to the moral sense of decent people?

Can it be conceived that the framers of this measure have deliberately devised a law that shall require of the unhappily mated that they shall continue in their unfortunate union until such time as they are willing, in their desperation, to submit to, or to *do* some terrible thing?

May they not be permitted to anticipate the possibilities of human weakness and avert, by timely divorce, the very things which this law demands as conditions precedent to their separation?

Will it be contended that there is anything

conforming to a rational sense of rectitude or morals, in a law which forces a sensitive wife to live with an indifferent and brutal husband in an atmosphere of strife and contention; to bear indignities and insults and assaults, until these repeated abuses reach a point where her life is endangered?

Why should she be required to wait until she has suffered some lasting injury, or until some criminal wrong has been done her?

Decency and justice are outraged by such a measure and the moral sense revolts against its adoption!

There is something almost diabolical about this law. It is monstrous from every point of view. Its limitations are without sense or reason; its specifications conform to no sane standard of justice, and its philosophy is without moral or rational reach.

It is calculated by its terms and implied requirements to engender and intensify the very evil conditions that the well being of society demand shall be removed.

Its authors have jumped to the false and illogical conclusion that Divorce is an *evil,* and on that account should be abolished, or rendered as nearly impossible as the law can make it, without considering the consequences to society of such legislation.

Divorce is not an *evil,* but on the contrary it is a good and a commendable thing.

To many, many thousands it has come as an unmeasured blessing. Of course it is the remedy of last resort, but it is the only lawful and honorable way out of a situation that has become insufferable. In fact, it is the only sane and moral means by which relief may be had from strained relations which, in the natural order of things, might lead to evil consequences.

Divorce is the saving alternative, when human endurance and magnanimity and heroic sacrifice can no longer avail. It is the one last hope —the life line, cast by the statute to the exhausted and sinking swimmer. Verily, divorce is the choice between good and evil, between freedom and slavery; peace and war; heaven and hell that the State, in the interest of the public weal, wisely extends to the unhappy victims of matrimonial mistakes.

However, the way you look at it may make all the difference in the world. Your view point —your habits of thought—your method of reasoning— your prejudices—your training—your knowledge of human nature—your experience; in short, *your mental attitude,* in whatever manner to be accounted for, must bias or broaden your judgment.

If you believe that the marriage bond is indissoluble and that Popes and priests are the

final authority upon the question, then you are simply unfortunate: you are allowing prejudice and church predilections to pervert and distort your view of certain important facts of life.

Human experience counts for something, and may not be ignored or passed as of no value. The practical knowledge of mankind, representing the cumulated wisdom of society gained by observation and trial, is always relevant and material to all matters of vital concern in the affairs of men.

And, in the light of past experience, we may safely reason that the world—a decade or so hence—will hold radically different views about *marriage and divorce,* about the *home,* and the *family*—not because the world is growing worse, but on the contrary because the world is growing *wisely* better, and great moral advances are being made in every direction.

The prevailing *home* ideals will surely pass, and yet higher standards will be raised. A nobler conception of brotherhood will find lodgment in the hearts and minds of men; and neither class nor clan nor kindred will serve to estrange men, or draw them closer together.

It is only a matter of time when Society will alter its opinion about divorce, and reverse its judgment of the *divorcee.* It will recognize the operation of a natural law, in the honest yearnings of the soul, that will not be bound by creeds

or conventions; and it will sincerely sympathize with the man and the woman who are willing to own their matrimonial failure, and to *give-up* rather than attempt to defy fate and senselessly contend against the inevitable. It will honor and esteem many of those whom it now would reproach and banish from its favor, and it will reserve its censure and its condemnation for those shameless hypocrites, who make a mockery of marriage by persisting in wedlock, after love has flown.

This prediction may savor a bit of the extreme and revolutionary, but it will be found entirely within the reasonable probabilities, if we consider the process by which all real moral advance has been accomplished.

CHAPTER VI.

Fixed beliefs give way before the awakening Conscience—An example of the Crude moral notions of some of our God-fearing progenitors—Divorce, the Safety valve of Society—Heedless Reformers fail to note element of Chance in all Human affairs—The Law and the Gospel demand of the Unhappily married that they shall Hate each other—The Law of Compensation.

Progress is a growth—an out-growing of the old way or the old thing—and it depends upon a relegating, as *bad* and *useless* and *unavailing,* of the very thing that once was considered *good* and *needful* and *necessary.* We are not responsible for this. It is a wise provision in the economy of nature whereby, very likely, the old material is worked over; in any event, it is the law—*before we can build-up, we must first tear down.*

We have only to refer to the well authenticated annals of our own Colonial time to find many examples that tend to show how fixed beliefs and well established customs were forced to give way before the awakening conscience.

We there witness the almost ruthless shat-

tering of long cherished ideals, and we can appreciate in some degree the frenzied opposition by the religious zealots of the period, who loudly proclaimed that the reforms being agitated meant "a turning away from God" and therefore the ruin and demoralization of Society. But the "turn" was made, and as yet the threatened calamities have not overtaken the people.

At this distance in years, and by virtue of our added wisdom we have come to know that the ideals of these crude and credulous church folk were based upon narrow notions as regards right and wrong, and we now realize that their destruction was essential to *real* moral growth.

Some two hundred years ago, it was considered an *evil* thing if a man kissed his wife on Sunday. Thousands of good, so-called God-fearing-people in this country seriously believed that. Every student of our early history knows that to be a fact. It seems almost too extraordinary to admit of belief that there lived at anytime on this continent a civilized people who could so deceive themselves or so far libel the goodness and wisdom of God. But, it is an historical fact that one Captain Kemble of Boston was required to sit for two hours in the town stocks, because on his return from a voyage and an absence of three years, he affectionately folded his wife in his arms, and kissed her—without first consulting his calendar. The devoted Kemble was formally

charged with "lewd and unseemly behavior, which consisted in *kissing* his wife *publicly* on the Sabbath day."

The *mental attitude,* as was pointed out in a preceding chapter, has changed somewhat towards that particular fact of life; and what has happened—just this: The very thing that was at one time regarded as a violation of God's law and a desecration of God's day, has come to be looked upon as the *proper* and *right* thing, *and* is now—in the light of this civilization—a credit to both the *law* and the *day,* without regard to special ownership.

That which was considered "lewd and unseemly" by some of our over zealous progenitors, has of late become quite decent, decorous and dignified. A little more reason, and a little less religious bigotry have wrought this miracle. The alchemistic union of honest doubt, rational ideals and intelligent deductions have transmuted the seemingly base metal into the purest gold; and this has taken place before our very eyes, so to speak.

What has really happened?

Our notions, concerning certain things, have undergone a change. This particular act was never *evil,* or lewd, or unseemly—it was always good and pure and beautiful.

We are growing morally ,and are gradually becoming more truly civilized.

We have come to see more nearly aright—that's all.

No man, in that past day, would dare to trifle with the wrath of heaven, or so far presume upon the mercy of God as to kiss his sweetheart on the Sabbath day. There was possibly one extenuating feature to that old Puritanical Blue law. It required of lovers that they take formal leave of each other, at a fairly seasonable hour on Saturday nights.

Let us go back in imagination to that intensely Christian period of our history.

It is Saturday night; and, in fancy we behold two ardent wooers watching the minute hand on the dial. The hour hand already points to the end.

Every thundering tick of the clock brings them nearer to the inevitable moment.

Wistful of eye, but heavy of heart, they reluctantly prepare to satisfy the hard and unyielding requirement of the law—to close-up at *twelve.*

In just two minutes, it will be the Lord's blessed day (the day on which most really blessed things are barred) and we witness those lingering lovers wavering there—on the very brink of perdition—between doubt and fear, between love and duty, and then, failing of heart engage in an almost desperate rush for that final em-

brace, which shall last through twenty-four dull, empty, uneventful hours.

But, to return to the subject.

Divorce is *not* an evil.

The institution, itself, must not be confused with the acts of those who would abuse its offices. It is not to be charged with responsibility, or held accountable for the motives and purposes of moral bankrupts, who lightly regard the most sacred relations of life, and who seek the intervention of the Courts to justify misconduct, or as a means of escape from rightful obligations.

That evil-minded people sometimes seek divorce, is not to be denied; that the methods employed are frequently evil is quite well established; that vicious people have been known to employ divorce for wicked ends is sadly true, but none of these facts tend to show that a legal dissolution of the marriage contract is an *evil,* or that it is not entirely right and proper, and a wholesome provision of the law.

Divorce, in practice and principle, is opposed to the Scriptural theory that *marriages are made in heaven,* and that the sundering of the marriage tie involves a wicked or criminal thing.

If divorce is an *evil,* then it is a good and a holy thing for men and women who are magnetically repellent and temperamentally repugnant to persist in a state of wedlock—to bicker

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and contend and wrangle and scold and hate—until sweet death do them part.

If divorce is an *evil,* then crimination and recrimination are virtues to be practiced and extolled.

If divorce is an *evil,* then acrimony and strife and discord and animosity and malignant hatred are born of heaven, and woe be to that impious and debased creature who would dare to supplant them with kindliness and concord and harmony and companionship and sympathetic love.

If divorce is an *evil,* then the affinities of nature are a lie and a delusion, and need not concern us—

But, there is a subtle law back of the "likes and dislikes" that mortals form, and it is a part of our duty to find it out and to conform our lives and laws to it—not to antagonize it, or strive to overmatch it with doctrinal decrees and conventional commands.

Divorce is the safety valve of Society. It is the device of the law that relieves the bursting tension of over-wrought temperaments, and makes it possible to bring peace and quiet out of rancor and rebellion.

It is the judicious compromise, provided by the statute, for those who cannot carry out their marital contract; and in the vast majority of cases Divorce is a prudent preventive measure, of proven value, against possible evil conse-

quences, and should be regarded as a *social necessity and a moral duty* and *not an evil.*

The heedless reformers who framed this "model" divorce law, which they now propose to write into the statutes of the various States, seem to have entirely ignored the element of chance that enters into all human affairs.

In their evident anxiety to shape their conclusions and recommendations in accordance with the implied requirements of the "word" they have neglected to make allowance for honest mistakes. They have made no provision for those who suffer because of conditions, not of their own making—the unhappy victims of circumstance, or those who fail notwithstanding the most solemn resolutions and the most heroic effort to bear and to forbear.

They have given no thought to a solution of the problem presented by the case of those hapless mortals who, after an experience of weeks, months or years, discover in themselves temperamental differences that cannot be overcome or lived down, and who realize the utter impossibility of drawing closer to each other.

What relief does this law afford the moral, the sensitive, the unselfish who, without desiring it, have grown away from each other?

What of the pure of heart, the worthy of purpose, the noble of mind who happen to become

unfortunately allied, and who realize the utter futility of attempting to harmonize the peculiar contrarieties of their natures?

What of those who have come to know as a somber fact that their marriage was a mistake; who feel it a duty to themselves and society to dissolve their union; who do not hate each other, but, on the contrary, are each deeply and devotedly concerned in the welfare of the other, and who are ready to make any personal sacrifice that their natures will let them make, but who heroically refuse to defile and defame each other before the public? What note has been taken of these; what thought of their hapless plight?

This is not a forced statement or an unduly colored picture. Nothing here is borrowed from romance. These are not mythical beings that fancy flit in story books, or are content to dwell within the mimic marches of the stage, but they are *real,* living, heavy-laden souls.

The world is filled with such drifting and drowning human wreckage. Their name is legion. They figure in every walk and station of life. They dwell unknown in every community. They are constrained by a nobility of character or a sense of pride to conceal and stifle every outward mark of their inward woe. Their secret sorrow lies buried in their hearts, away from wagging tongues, but their lives are deso-

late and their anguished souls are constantly in eclipse.

What provision does the law make for the relief or comfort of such unfortunates?

They are required by the implied conditions of this proposed measure to sacrifice their lives and endure to the end the unspeakable torment that the knowledge of their unhappy state brings to them, or *they must learn to hate each other.*

There is no other alternative.

This is the *law* and the *gospel.*

And this, in the light of Twentieth Century Civilization, and in a land where the pursuit of happiness is declared to be *an inalienable right!*

Is it not a monstrous law that takes no note of the worthy and the pure, but reserves its benefits solely for the vicious, the degenerate, the inhuman, the inebriate, the perverse, the morally abandoned, or the demented; for those only who have become odious and detestable to each other, or for those shameless creatures who, having forfeited every sense of honor and selfrespect are willing to flaunt their infidelity before the public?

Is it not a cruel and barbarous law which demands the debasing of one's self, or the defamation of the character of one who once was loved, in order to escape unbearable conditions, *which, in truth, Fate and Destiny had more to do in the*

making than the poor victims who cry for help!

There is no justification in law or morals for the life-duration of the marriage contract.

There is no scientific or ethical reason why it should not be terminated by the mutual consent of the parties making the contract.

But the law expressly prohibits the granting of divorce where collusion or agreement of the parties is admitted or discovered.

It would appear that the mutual consent and expressed desire of the parties themselves, that they be legally separated, should be the best possible reason why Divorce in *their* case should be granted.

It cannot justly be presumed that any court or jury is better qualified to determine what such people require than are they themselves; and it is a serious question whether or not the peace and order and general wellbeing of society would be better conserved if courts had no discretion under such circumstances, but were required to enter upon the record formal notice of the dissolution of all such partnerships, "by mutual agreement."

The utter futility of attempting to secure a Divorce on the simple, sane and sufficient ground: *"We do not any longer love each other; we are unhappy; we have agreed to separate,"* holds together thousands of mismated people in a

galling bondage which, in the nature of things, must become intolerable.

It seems cruelly wrong to require two people to live together, whose natures have grown apart —whose desires and tastes are no longer in accord, *simply because they are unwilling to do or to charge any of the dreadful things which are specified as statutory causes for Divorce.*

The State influenced by ecclesiastical unreasoning, undertakes to punish those who are unfortunate in their marriage. They are made responsible because of their failure to draw prizes in a lottery in which *Fate* had stacked the cards against them. They are required to do penance all the rest of their lives; forced to live in an atmosphere of inharmony and under conditions that afford no distraction from their unhappy plight; to be tormented by hopes that can never be realized and tortured by anxious yearnings that may never be gratified; to spend their fruitful days and their declining years in the desolate solitude of an unloved companionship.

It is nothing short of a brutal outrage of common decency that any law of God or man should require two unmated, unloved people to live in wedlock.

And common decency may not be outraged in this way with impunity. There is a penalty attaching to every offense which must be paid to

the last farthing. There is no escape; and there is no conjecture about this. Society bears its millions of scars to prove the truth of what is here set down.

Compensation is the Law, the Judge and the Jury!

In that Court, there is never a miscarriage of justice; no clemency is shown; no one is "white washed" or even permitted to plead "not guilty"; there's never a hung jury; never a mis-trial; there's always a verdict and it is final. There is no appeal; no setting aside of the finding; no new trial; no parole or pardon, but the penalty must be paid.

The continuation of the marriage bond after love has ceased is not only immoral but it is monstrous and barbarous. It is destructive of the high purpose of the home life and works an irreparable wrong to society and the race.

Children born of such a union cannot be normal children, because the conditions of their begetting are not normal, and right here is where the law of compensation operates,—where Nature evens the score and gives back to society the defective and degenerate product of its own perverted system.

This is not the mere vagary of an alarmist, but a startling fact that may well engage the thoughtful consideration of serious people. Science is rapidly demonstrating that crime is a

disease and that a predisposition to crime is occasioned by deficient tissue; that this deficiency of tissue results from pre-natal causes and that these pre-natal causes are traceable to incompatability of temperament in parents. Indeed, the propensity to vice and crime is "in the blood." May we not by this process of reasoning, account in some manner, for many of the unnatural crimes that continually shock our civilization and for which penalties and punishment, even to the forfeiting of life, have no deterrent effect?

Will any one contend that roses may spring from thistles; that love may be begotten of hate?

If more serious thought were given to the scientific correction of this palpable and appalling evil, resulting from the enforced marital relation of mis-mated people, instead of attempting to square present conditions and needs, to obsolete and dead philosophies, humanity would in truth commence an upward march.

A priest was once asked why it was that so many people belonging to Churches found their way into penitentiaries, mad-houses and poor farms.

The priest answered, rather adroitly, that very few active members of Christian Churches reached such ends, but fully ninety per cent of those so confined had parted from their early teaching and had brought upon themselves ruin

and disaster, as a result of their recreancy to the Church.

And thus the world has reasoned and concluded for more than a thousand years, unmindful all the while of the canker that has been gnawing at its very vitals.

It is, nevertheless, a palpable and suggestive fact that a vast majority of those people who lead dissolute lives and end up disastrously, all had the benefit of early Christian training.

The Church itself is responsible, in a much larger degree, than any other agency, for the existence of crime and poverty and disease—the trinity of horrors that mock our civilization.

In all the ages which the Church has influenced or dominated the minds of men, it has ever posed as the special conservator of the world's morals, while at the same time, it has abetted and directed the development of a perverted moral system which has augmented the growth and spread throughout the world of this condition which humanity now deplore. So the Church must bear the large responsibility because of its lamentable failure to stamp out or to reduce in any degree either poverty, disease, or crime.

The Church has taught men to genuflect and to believe, never to stand erect and to reason; to fear and to pray but never to *think* and to *know*. The natural laws that encompass us about

have been defied and set at naught in order that priestly men might perpetuate a priestly graft.

Scientific men have long ago pointed out the dangers to society to result from the children of loveless marriages. It has been known that children born under unnatural conditions and reared amid uncongenial surroundings suffer in their mental and moral development, but no church authority has ever uttered a sound or written a line upon this vital subject. The thing sought for was numbers; chance would be taken as to quality.

The Church has denied to its membership the right to marry with those of a different faith. There has been no reason, in sense or morals, for this indefensible boycott, but the Church has stood firm until within the last few golden years.

But in every instance, where the church has relaxed her grip, or modified or tempered her despotism in this respect, the recipients of her "special dispensations" have been the rich and the powerful; her anathemas and cruel interdictions are now reserved alone for the poor, the weak and the ignorant.

Babies! and still more babies! has been the injunction, whether conditions were right or not. Doubtful ones were assured that God would provide:" "the back would be prepared for the burden," etc. Every "soldier of the cross" became an asset of the church; a contributor to the support of the priest; so why not increase the num-

ber—the more the merrier—the lower the mental quality, the better —*for the Church.*

Those unfortunates who happened to be unhappily married were told that they must bear their lot with resignation; that having made their bed, they must be content to lie in it, and the Church could not countenance divorce because "what God hath joined together, no man may put asunder."

In this cruel, ruthless way, countless thousands of confiding, faithful, have been duped and deceived, and made to needlessly sacrifice useful lives—countless thousands of homes wherein only affectionate good will should preside, have been transformed into the abodes of hate and the breeding places of viciousness and iniquity—charnel houses in which lie buried the crucified hopes and yearnings of love's once happy dream.

It may be well to add here, although somewhat of a digression from the subject in hand, that the Bible buttressed theory of sacrifice is not consistent with the highest moral ideals. Self abnegation is not always a virtue. The purpose sought and the motive prompting such renunication must be taken into consideration. Self denial is only desirable or justifiable when the good or happiness of others is accomplished thereby. Then the one making the sacrifice re-

ceives the reward which always comes to him who has the consciousness of having performed a service to his fellow. But, sacrifice simply for the sake of sacrifice, or for the selfish purpose of "laying-up treasurers in another world," fails to comport with any approved precept of good morals, besides, it is unnecessary and absurd.

The Rights of Women in the Marriage Relation.

She is my woman, and I'll bend her to my will!

(The old law, according to Scriptural and Ecclesiastical warrant.)

CHAPTER VII.

Divorce a prerogative solely of the Wife—The Husband entitled to Divorce only when his Wife approves the petition—A Wife should have Divorce on her demand —The desire of a Wife to marry another man, a reasonable ground for Divorce—There should be no escape for the Husband from Civil obligations of Marriage contract—The payment of Alimony imperative and peremptory.

Before announcing the more radical conclusions of this book the author wishes to lay down two propositions which he holds to be true and which follow as a logical deduction from the premises set forth in the preceding chapters. His further and particular purpose is to provide, if possible, a broad common ground upon which he may meet all earnest students of the subject, in mutual accord and agreement.

He is keenly sensible of the fact that many of his readers will honestly differ from him, in their estimate of the institution of Matrimony; and that they will not subscribe to all of his an-

nounced theories on the question of Divorce: He has reason to believe that some may not follow him sympathetically or approvingly in his strictures on the Church, and its imputed relation to the marriage contract; or in his attempt to show, (in the succeeding chapters), the historic hostility of the Church towards Mothers and Wives. There will, of course, be some dissent from his position respecting the special rignts of the Wife, and the perpetuity of her claim upon the husband for support Possibly others will not fully agree with him as to the disposition of children in Divorce actions, etc., etc., but he firmly believes that the opinions of all right minded people must harmonize with his own upon one great essential moral principle, viz;—that *men and women should not hate, because they cannot love;* and, that any marriage system that requires, or even permits, mis-mated and repellent natures to continue in a condition of enforced wedlock spells disaster to the race.

First—The man or the woman who marries for place or position; for convenience or competence for relief from toil; for social preferment, strategy or spite; for commercial advancement, or opportunity, or for any other purpose, save *love*—absorbing, consuming love—makes a sad and a solemn mistake!

Second—And, that man and woman, being married, who persist in a state of wedlock after love has passed, preferring to quarel than to quit; generating hatred instead of harmony—who are slaves to custom and religious despotism—make an equally sad and solemn mistake!

The loveless home, in which discord and strife have taken the place of contentment and peace, is an abomination and should not be tolerated any longer than is absolutely necessary. If a man and a woman, who are married, discover that they are not congenial; that they are not any longer all in all to each other; if they realize the inexpressable sorrow of a serious temperamental incompatibility, a sentimental antagonism or a sexual repugnance, then that man and that woman owe a duty to themselves and to society, and that duty is to separate.

They are mis-mated; they are magnetically repellent, and are unfitted by that fact for the duties and responsibilities of the marriage state.

Under our system of mating, this condition could not have been anticipated, and when discovered to exist, the law should provide a means for the prompt dissolution of the marriage bond in all such cases, without shame, scandal or a sacrifice of self respect.

Are those who fail in their selection of marriage partners to be forced to drag out miserable

lives, on the senseless theory that perhaps God might be displeased if they sought to find happiness through other associations?

Are such unfortunate people to be punished for a state of affairs they could not have foreseen, certainly could not have desired, and which they would gladly overcome if in their power?

What *good* purpose can be served by the infliction of such punishment?

If the closer relation of *wedlock* discloses the mistakes of judgment during courtship, can there be any warrant in law or morals or human experience for the continuance of a condition fraught with such evil consequences to society.

The great dangers here referred to, and which it is presumed are understood by the reader, can only be briefly touched in the course of this passing review of the subject. However, effort will be made in the ensuing pages, to afford in some measure a new perspective of this particular feature of the question; in the hope that general public interest may be awakened, and that better minds and abler pens will give themselves to the discussion and solution of the complex problem involved.

The right to engage one's self should carry with it the right to withdraw from the engagement; and the right to marry should imply the right to *un-marry* or Divorce.

Under all circumstances, where the parties to a marriage contract in good faith, mutually agree to separate, a formal notice of that fact, duly signed and attested should satisfy every requirement of the civil law, and a certificate of divorce should issue immediately upon the filing of such notice. It being understood, of course, that all such decrees may be set aside, as in other civil proceedings, if it should later develop that force, fraud or coercion had been employed by either party to secure such agreement.

It is the belief of the writer that the ends of justice and the best interests of society would be better served if a divorce were granted to any wife who was willing to ask for it. She should not be required to subject herself to the further humiliation of detailing for the delectation of a curious and gossipy public, the indignities she may have endured, or of confessing any of her own frailties or mistakes.

The fact that she *desires* a separation is deeply significant.

If the man whom she once thought worthy of her adoration has now become hateful, so much so that she wishes to be released from him, the law has no moral justification in requiring her to remain subject to his pleasure and power. She should be freed instantly, and placed in a position to dictate to such a husband, the terms of their future relation.

The rights of women are not fairly safeguarded by present marriage laws. Women are entitled to more than the ordinary consideration accorded to men; not alone because they are women, but because they sometimes become mothers. This is not merely a sentimental exuberance, but is a suggestion for a defensive measure—purely selfish—designed to better improve the quality of the race, by removing as much as possible those conditions that operate to the detriment and disadvantage of progeny.

If a man finds himself unhappily allied with a woman who has grown away from him, or for whom he no longer entertains affection or desire his sorrow is of a very different character than that experienced by a woman under like circumstances. He is exempt by his nature from the great dangers that menace the wife, who is required to live in wedlock with a man whom she does not love.

If a wife is forced to become a mother against her will, or under conditions not pleasing to her, the extreme mental anguish and consequent nervous disturbance experienced by her, under such circumstances, must find expression in her child. If we may accept this as a fact, or even as a remote possibility, we are at once impressed with the gravity of the situation, and must appreciate the justice and wisdom of according wives certain special privileges in the mar-

riage relation. These extra rights or immunities of the wife should not only be recognized, but her exercise of them should be at all times, entirely within her own discretion.

In all actions under the statute, growing out of differences between married people, the rights and demands of the wife should always have precedence over those of the husband in deference to her nature, her peculiar organism, her special mission in life, and because of the always present possibility of maternity.

In all cases where the wife sues for divorce, the decree of the Court should invariably go to the plaintiff; and in all divorce actions instituted by the husband, but contested by the wife, the Court should always sustain the contention of the defendant, especially if she sets up in her petition that she loves her husband, and *sincerely desires to continue as his wife.*

The *actual pleasure* of the wife is the most important thing to be determined by the court, and having established her real desire—uninfluenced by threats or promises of reward, the court should always grant the petition of the wife. If she does not desire to continue a wifely relation with her husband, she certainly does not desire to become the mother of his children, and no Court may justly require her to take any chance of maternity, under circumstances not perfectly acceptable and pleasing to her.

The law should not in any way interfere with, or restrict the right or opportunity of any woman who seeks a divorce to re-marry if she so elects, or to prescribe a time limit within which she shall not marry. This is a matter in which the public can have no proper concern and the attitude of the statute in conferring discretionary power upon courts in such actions, is without just warrant and amounts to an unnecessary and arbitrary intermeddling by the State.

This period of probation or punishment or "reconciliation" or whatever it may be, or for whatever purpose it is designed to serve, is in effect, a "trial divorce." and the trial divorce is just as dangerous to morals and as destructive of homes as is the "trial marriage." Barring a comparatively few exceptions, it is safe to presume that those people who ask for divorce know what they want and the responsibility should rest with them. The State is not directly concerned and should not intrude itself.

Even if divorce is sought by a wife for the avowed purpose of marrying another man, there are many good and scientific reasons why that fact should be made a statutory ground for a legal severence of the marriage tie in her case. This privilege, under no circumstances, can be claimed justly as the right of the husband, but in the

nature of things, is a prerogative solely of the wife.

There is here suggested a radical departure from the custom and thought of the hour, but probably not any greater than is presented by many of our current moral notions, when contrasted with those of our forefathers of "blue-law" days. No doubt many good people will misinterpret these lines and rashly construe them against the author; probably they will feel affronted by a philosophy which seems to do such violence to long fixed convictions. However, as this may be, the writer disclaims any intention or desire to offend the moral sense of the most refined and exacting. He is not seeking after notoriety, and would avoid, as much as possible, the sensational.

Radical reforms make their way slowly, resistence and obstruction serve to develop their truth and power. It is hardly to be hoped that this position of the writer will be approved instantly by all people; on the contrary, quite general opposition to it is expected, but he earnestly believes that deep down in the soul of things, justice presides with his view.

In determining the real moral value of the contention here indulged, the reader will again bear in mind the *special mission and the peculiar nature* of woman, which as has been pointed out, entitles her to special consideration.

Now, we may proceed.

Every woman should enjoy, and be free to exercise without restraint or dictation, her inalienable right to select the father of her child, or to refuse to subject herself to the possibility of becoming a mother under circumstances that would affect the physical or mental development of her child, or that would tend to destroy or diminish her love for it.

If a woman has any rights that are not subject to the control and domination of man, then these rights here claimed for her—as sacred to her as life itself—are certainly a part of her natural estate, and her free exercise of them may not be justly denied.

This is a truth, whatever tradition or the conventionalities of society, or the best interpretations of the Scriptures may hold to the contrary.

The rights of children, likely to be born under unnatural and undesirable conditions, are also to be considered if the attainment of the highest ideals of society and the race are to be rationally striven for. A sane and civilized recognition of the absorbing desire of mothers, in this respect, would be in the nature of a proper safeguarding of those rights.

It may be argued that such an advantage given to the wife, as is here advocated, would frequently result in the breaking-up of homes for passing and trivial differences that might other-

wise have been adjusted. This is a common error—a conclusion drawn from the surface. It is neither fair nor reasonable to believe that any wife would immediately, and without sufficient cause, avail herself of such a statutory recognition of her rights and forthwith pack-up and leave her happy home, or require her "lord and master" to seek other lodgings.

Homes would not suffer!

The law can in no way affect the joyous interchange of hearts that love, nor bind together in peaceful union those hearts that have ceased to love. And only homes in which love presides are homes in fact and such homes only have any right to endure!

But, for argument sake, it will be admitted that this suggested radical reform of the marriage laws, with respect to the rights of women, will not only not cure all the ills that are now suffered, but that new and unheard of ills will be added by the operation of the law. It will be further admitted that mistakes—grevious mistakes—would result from such a law, but it is maintained that it were better—a thousand times better—that ninety-nine divorces should be granted for insufficient cause than that *one unwelcome, unloved child should be born.*

Now, all precedent and prejudice aside, and without regard to conflicting conventional no-

tions, let's take a homely, common-sense view of the subject.

Why should a woman be required to continue in a condition of wedlock with a man who has become loathsome to her; whose touch is repulsive; whose look terrifies; whose very presence irritates, and whose near association tends to destroy all that is gentle and desirable in both?

Think of the degradation and humiliation of the wife who must endure and submit to the brutal and beastly overtures of a man she abhors. Measure, if you can, the enormity of the crime against the race that is wrought whenever to such a union a child is born.

O God! is there any justification for a law that permits the poisoning of the blood of babes!

What of the rights of the husband?

If the laws are constructed and construed so that the natural rights of women—in the marriage relation—may not be ignored or denied, then the just rights of every husband will be amply protected.

It has been said by one of the greatest liberal authorities on marital law, that "a man should have a divorce if he can prove that he is entitled to it."

The author dissents from this opinion for the reason that there is here implied the right of the husband to prefer charges against the wife,

a procedure which under our peculiar system, may disgrace her and forever blast her future. He opposes to this view his own belief that a husband can—under no circumstances—justly claim exemption from any of the duties and responsibilities entailed by the marriage contract, on the ground of a change of temperament or a lack of devotion on the part of his wife, or for any other cause, unless she approves his petition. In other words, he holds that a man is never entitled to a divorce, unless his wife is willing that he shall have it. He believes that a sane and civilized law will invest the wife with absolute and final power, in all such actions.

The full release of the husband from the civil obligations of the marriage bond should always require—in addition to the Court's decree—the written consent of the wife.

So long as men *propose* in marriage, women should *dispose* in divorce.

The marriage of a divorced wife to another man would, in justice, operate automatically as a waiver of any future claim on her part on her ex-husband, and this fact would release him as fully as would a discharge in writing.

Under no circumstances should a divorced husband be permitted to ignore, or in any manner, evade the payment of a fair portion of his income towards the support of his former wife.

until such time as she re-marries, or of her own free will, absolves him from further responsibility.

Failure to pay alimony should be punishable by imprisonment. This law should be made uniform throughout all the States, and the penalty, as a matter of wholesome public policy, should follow every offender, high or low, with equal certainty and swiftness.

The degree or quality of the wife's offending has no proper part in the case and need not be considered. This is purely extraneous to the issue and cannot rightfully release the husband, and should not vitiate the lawful title of the wife to his support.

When the wooer pleads for the hand of his "heart's desire" he does not stipulate, and there are not understood, any conditions under which he shall be freed from his voluntarily proposed and willingly assumed obligation. Only the conditions of the contract expressed and justly understood can be later invoked in defense of his cowardice or recreancy. If the court has the right, on a moral ground to discharge a man from the obligation to provide for the reasonable maintenance of his wife, which he willingly and anxiously agreed to do, as a condition of her marriage with him, then by the same token, the court may absolve a man from liability on a promissory note, if it can be proved that the payee had been

drunk, or had been imprisoned, or had been guilty of some other serious infraction of the moral law since the note was made. The absurdity of this latter proposition is apparent on its face.

The fact remains that a husband is liable, and justly so, to support his wife, notwithstanding her indifference to him or even her infidelity. He took that chance when he married. This result—unfortunate as it appears—must be regarded as one of the possible eventualities of matrimony.

These things happen as do rheumatism or typhoid fever, in obedience to laws over which we are powerless to exercise control, and they cannot always be anticipated or warded off.

CHAPTER VIII.

Alimony a valid claim, in nature of Punitive damage—Husband never justified in assailing Good name of Wife—Custody of Children in Divorce actions—Mother's place cannot be filled by an artificial Mother—The first right of every Child—"Science must make Woman Mistress of Herself"—State should provide Course preparatory to Matrimony—Sex ignorance inexcusable.

When we civilize our marriage laws, a man will not be able to escape the obligation to support a wife towards whom he has grown indifferent, or who may have grown indifferent towards him. He will not be permitted to turn her out or cast her adrift in a friendless world to make her own way, handicapped by evil tongues—simply because he has tired of her, or feels aggrieved because she has tired of him.

He may be allured by other eyes, and other hearts may turn responsive to his own, but the wife who once filled his vision and to whom he sang his songs of love, will continue to lawfully claim his protection and support until she frees

him or allows some other to assume his obligation. The law will not senselessly undertake to make him love her if he cannot, or punish her because he no longer fills her life; and society will not censure either of them if—prompted by natural and worthy motives and without deception—they happen to center their hearts upon some other, but the law and society will hold the husband to a strict discharge of the civil obligations of his contract. And, if he deserts the wife he vowed to protect, the law will punish, and all the world will ostracise such a man—*when the marriage laws are civilized!*

The wife's side of the marriage bargain is too lightly regarded. When a woman gives herself in marriage to a man, she does the utmost thing that she can do, and she has done that thing which entails, or should entail upon the husband, a life of devotion and considerate care.

If he later makes himself offensive to her, for any reason or lack of reason, so she no longer loves him and wishes to be released from his control and domination, the duty to still provide for her support should run against the husband as a valid claim in the nature of a punitive damage. She has given to him the best of her life; she has sustained a certain social discount, as a result of her conjugal mistake, and her opportunity to re-

marry has been greatly circumscribed. For this, she is entitled to some reparation.

But aside from these secular, and more or less mercenary considerations, there is another perspective of this question which affords a better view of the situation, and a clearer conception of the equities involved. This is offered here in further defense of the author's opposition to the theory that "a man should have a divorce, if he can prove that he is entitled to it." It will be recalled that issue was taken with this doctrine because of the implied right it conferred upon the husband to prefer public charges against the wife, which procedure he holds to be without moral justification.

It is difficult to conceive how any man can justify his course, or square his action with his conscience, or even harmonize it with a fair sense of consistency, who attacks the character of his wife.

The man who publicly assails the good name, or criticises the acts of his wife, or attempts to hold her up to public contempt and scorn—whatever her offense—not only does a cowardly and a dastardly thing, but sets himself down a liar, a pervert and a deserter.

It must be borne in mind that this same man, who now denounces this wife before the world, plead upon his knees—aye, in great meekness and humility—begged and besought this woman, in

the days of her beauty and innocent girlhood, to become his bride. Like every other eager and impetuous Romeo, he urged his suit with all the art and ardor of his soul. He poured into her enraptured ears the assurance of an undying love; he promised ever to be her willing slave; he swore that he would swim the sea; beard a lion in its den, or gladly give his life in defense of her—if she would only be his wife. And, when in the dazed bewilderment of her joy, she chanced to find her tongue and nervously ventured: "but, dear, if I should change; if you should one day discover my many faults"—he quickly declared, before high heaven, that she had no faults, and if she had, they should be as virtues in his sight.

And who will say that *she* alone must bear responsibility for the change in temperament, or manner, or speech, that now makes this wife such an undesirable being in the estimation of her husband. If she is not the faultless angel now that she was on that glad, sad day when she gave herself in marriage to this poltroon, her close association with him may account for the change.

There is always a reason for the changes that come in the lives of married people, under our defective social system, and it is rarely the case that one party is wholly at fault. Human frailties are the legitimate result of human follies, and human mistakes, and society as a whole is responsible. The individual who happens to be a medium for

their pronounced expression is often unjustly made to bear the entire blame.

What shall be done with the children, unfortunate enough to be born to ill-mated and quarreling parents?

This is a very serious question and one that may not be lightly passed. The children of today will make the men and women of to-morrow, and the environment of these children will have much to do with their future activities for good or ill in the world.

A child is the saddest thing that can befall two people who do not love. That such a lamentable thing can happen, in this age, is a severe commentary upon our boasted civilization. Some day, when society becomes truly enlightened and wisely moral, every babe that comes into the world will be joyously welcomed and dowered with the love of two united hearts.

Society may never be able to perfect a plan by which it may right the wrong suffered by the hapless little ones that are already born into homes of discord. They are *here,* and the conditions of their begetting cannot now be helped, but it is the duty of society to devise some wise and effective means by which the number of such children may be reduced in the future.

But just now we are called upon to meet a condition confronting us.

What shall be done with children in divorce actions?

Who shall have their custody?

It does not appear that there could be two views of this question, and yet there is a wide divergence of opinion among those who have studied its equities.

The writer contends that the *mother* should always direct the disposition of her children. The court has no right, upon any pretext, to rob a mother of her child, or to deprive a child of the care and affection that only a mother can bestow.

Children are *of* the mother, and belong to her in a very much larger sense than they can be said to belong to the father. The mother's love for her child is natural and instinctive, while that of the father is acquired by association.

There may be exceptional and isolated cases where it appears that the mother, because of her dissolute life, has forfeited the right to be intrusted with the care of her own child. But, the grave responsibilities of separating mother and child—even under such circumstances—should be assumed only after the most careful and conscientious investigation of all the facts, and then only when it appears imperative for the child's immediate good and future welfare.

The failure of the mother's conduct to measure up to the current moral standard of Christian society, cannot change her relation to her child,

or disqualify her as the mother. She is still the mother and her place cannot be filled by an artificial mother, and no man is capable of giving to the development of a child the essential training that even such a mother can supply.

It were better to reform the Christian's savage and cruel opinion of the woman who is said to have "fallen" than to attempt to justify the wrong worked to children ruthlessly torn from a mother's clasp and entrusted to the tender mercies of those who, at best, can have only a passing interest in their welfare.

Every possible safeguard that human experience can suggest or that science can devise, should be thrown around childhood, to the end, that an even mental, moral and physical development may be accomplished.

The first right of every child is that it be born right. Every baby has an advance claim upon society to provide for it natural conditions for its begetting, and a recognition of this obligation devolves upon society as a defensive measure against its own degeneracy.

The rights of children are so intimately involved in the rights of mothers that they may best be protected by a careful regard, at all times, for the natural and acquired rights of women in the marriage relation.

Every baby is either the precious product of love, or the penalty of concupiscence.

When this fact becomes more generally understood, and its great significance fully appreciated, we may then look for some intelligent and merciful movement for the prevention of unwelcome children, and the adoption of an effective, rational system by which every babe that is born may be a consummate flower of love. It is not the province of this writer, or the purpose of this book, to do more than call attention to this grave problem. It will be touched here only incidentally. A discussion of its intricacies and subtleties would lead too far from the subject immediately under consideration.

A possible solution of this tremendous problem, at least an advanced step in that direction, was offered by the great Ingersoll who, when asked: "How can we prevent the ignorant, the poor and vicious from filling the world with their children?" made this answer:

"There is but one hope. It cannot be done by force, physical or moral. There is but one way. Science must make woman the owner, the mistress of herself. Science, the only possible savior of mankind, must put it in the power of woman to decide for herself whether she will or will not become the mother. This is the solution of the whole question. This frees woman.

The babes that are born then will be welcome. They will be clasped by glad hands to happy breasts. They will fill homes with light and joy.

"Men and women who believe that slaves are purer, truer than the free, who believe that fear is a safer guide than knowledge, that only those are really good who obey the commands of others, and that ignorance is the soil in which the perfect perfumed flower of virtue grows, will, with protesting hands, hide their shocked faces. Men and women who think that light is the enemy of virtue, that purity dwells in darkness, that it is dangerous for human beings to know themselves and the facts in nature affecting their well-being, will be horrified at the thought of making intelligence the master of passion. But I look forward to the time when men and women , by reason of their knowledge of consequences, of the morality born of intelligence, will refuse to perpetuate disease and pain, will refuse to fill the world with failures. When that time comes, the prison walls will fall, the dungeons will be flooded with light, and the shadow of the scaffold will cease to curse the earth. Poverty and crime will be childless. The withered hands of want will not be stretched for alms. They will be dust. The whole world will be intelligent, virtuous and free."

For a thousand years, the most progressive and saving thought of the world has been stifled,

and discouraged by a school of so-called Christian ethics, from a proper consideration of this great issue, which, at no distant day, civilized society will be required to meet and solve.

It is a fact to be deplored that essential information affecting the peace and happiness of those who marry, and the moral and physical well-being of future generations, should be placed under the ban by a narrow and stupid moral system, which forces us to learn our first lesson last, and that often after the severest experience.

Parents commit a grievous sin of omission when they allow their children to grow up to a marriageable age without providing them with the fullest information in regard to themselves. The plainest duties, obligations and responsibilities that crowd the married state are wholly unknown to, and unconsidered by fully ninety per cent of those who marry now a-days.

Some sort of Scientific supervision should be exercised by the State in the all-important matter of mating.

Not that the State shall require marriageable men and women to measure-up to certain arbitrary physical standards—not that the State shall establish proscriptions or prohibitions of any sort; but that it shall provide those contemplating matrimony the benefits of such useful knowledge, as the experience of society has developed.

Boys and girls should know more about themselves.

Ignorance will not insure innocence.

The school course in physiology is woefully deficient. Important and essential information is artfully withheld, and that which is imparted is so guardedly revealed that the child acquires only an indifferent knowledge of the physical agencies and sources of life.

It is not generally known how lamentably ignorant we are of our own bodies, until we wisely ply our neighbors with questions, and then attempt to answer them ourselves.

If you stop an hundred men on the street, just as they come—butchers, bakers and candlestick makers—and propound to each of them the single question: "Where is your Liver? Not more than *five* will be able to answer promptly and correctly. All will be quite certain that it is on the inside, but to say just where, would be for the majority of them the veriest guess.

Now, out of the five who prove to possess knowledge as to the location of their liver, not to exceed *two* will be able to intelligently state anything concerning its function. To the average man, the exact whereabouts of his liver, and the important part it plays in his physical economy, is a profound mystery. Yet every such individual will not hesitate to lightly assume and

indifferently discharge the grave responsibilities of the parent.

No prior preparation is deemed necessary for those who marry. Boys and girls just grow into a marriageable age and then like all of their kind before them—*take a chance.* Some few, by the veriest streak of good fortune pick the "lucky star," but the multitude reap disaster.

Neither parents nor guardians nor friends will volunteer the benefit of their own experience. Any overtures, in this direction, are likely to be resented as a piece of unwarranted levity or a flippancy not permissible in polite, refined society. So the knowledge that comes to young people who marry, is largely the result of unexpected happenings.

Sex is the central fact of life, yet boys and girls gain only a vague knowledge of this truth through the proper channels and at the proper time.

A foolish and inexcusable prudery and a mawkish modesty interferes with the duty of teachers and parents in this matter.

The failure of fathers to cultivate closer confidences with their boys, leaves them unprepared to meet the temptations of evil and vicious associations, and "the silence of mothers on the great fundamental laws of life leads to the downfall of more girls than all other causes combined."

Some form of popular scientific instruction touching these vital matters in every boy's and girl's education should be provided in connection with our public school system; free lecture courses should be arranged to reach the masses and so enlist their interest.

Boys and girls should be taught the purpose and significance of courtship; the meaning of marriage; why people marry; who should marry, and who should not. All physiological and phrenological facts that will aid them in selecting a life-mate, and all necessary knowledge concerning the sex relation, should form a part of the common school course.

Ignorance of *sex* and *self* is inexcusable.

We cannot be said to be enlightened so long as we fail to apply ordinary intelligence to the begetting of human off-spring.

Every boy and girl, before entering matrimony—the most important and solemn mission of life—should be equipped for it by an understanding of something of its real import. Under the prevailing system of mating, marriage is purely a lottery, and, as a natural consequence, the majority of matrimonial ventures are disappointing.

No parent would, for a moment, think of permitting his son or daughter to engage in the business of poultry farming, without advising a careful and intelligent investigation of the

subject. The experience of others would be inquired into, everything of value written upon the subject would be read and studied. But in the all-important business of perpetuating the human species, a sort of hap-hazard, happy-go-lucky, hit-or-miss chance is taken, and the result is left largely to fate.

When men and women will learn that the begetting of children is a science that is worthy, forsooth at least the same careful study now devoted to the breeding of fancy stock, then, indeed, will society turn its face to the sun and humanity commence an onward and upward march; divorce courts will present a decreasing record of domestic infelicity and the awful shadow of feticide will be averted from many a happy home.

Some day, in the near future, sane and normal men—with science as their safe guide—will re-write our marriage laws.

Then young men and young women who marry will approach this holiest and most solemn and withal the most natural condition of life, with new desires in their hearts, new ideals in their minds.

In making up their judgment of their life-mate, the question of necessity, convenience, wealth, position, religious opinion, ambition for social power or commercial advancement, will never control or confuse their deliberations. They

will recognize that these are but passing things that only delude and destroy.

They will know that *mutual love* is the great determining factor, and that God joins those souls only which—under natural conditions—seek each other; and they will understand that a pure, reciprocal, absorbing, abiding love finds its consummation in only one way. They will be taught early their most important mission in life—they will know something of their economic relation to each other, and they will realize that they are race-builders, and that Nature demands of them, for their own fullest development, that they reproduce themselves,.

When the marriage laws are civilized, every man who enters matrimony will know that he assumes certain permanent obligations—enforcible under the civil law—from which he cannot, of his own motion, release himself.

If he promises to love "until death do us part," he will know that he undertakes to do that which he may not be able to perform, and the court will be powerless to keep him to his promise, but his agreement to support and protect the wife, will become a valid claim which the law can and will enforce.

When the marriage laws are civilized, no stigma or shame will follow a divorcee; no scandal will be furnished idle tongues, for then no man

will be permitted to asperse or defame the name of the woman he calls his wife, and no wife will have need to resort to such a shameful proceeding. There will be nothing in evidence, or of record that will make their private sorrow a public scandal. No loss of social caste will then be suffered by those who divorce, but, on the contrary, it will be regarded as a laudable and a noble thing for those who are unhappily mated, to amicably reach an agreement to separate rather than attempt to continue to live together under conditions fraught with such dangers to themselves and such hazard to society.

The hatreds and deep seated animosities engendered by weeks, or months or years of domestic inharmony will rarely be possible under a civilized marriage system, and those who part because they do not love, will not on that account hate, but they will continue to bear towards each other the kindliest sentiment, and the most considerate regard.

It will be possible then, and only then, for a man to refer with reverential respect to *"my devoted sister, who was my wife,"* and the worthy woman, who in the past filled first place in his mind and heart, will thenceforth know him as *"my noble brother, who was my husband."*

Why otherwise?

It will be so—when the marriage laws are civilized!

The Woman is the Mother, and the highest hopes of humanity are with her.

sought by questionable artifice and cowardly stratagem to perpetuate his dishonest dominion, in the old way, but all the while absolving himself of responsibility for the methods employed.

A favorite plan was to secure a *divine* warrant for his acts, upon which he could boldly stand and behind which he could take shelter, while protesting to a susceptible people: "So sayeth the Lord!"

Controlled by selfishness and a lust for power which contemplated ease and indolence, he has made all the rules, and devised the governments of society, always with a view to his own interest—for the protection of the rights and the enlargement of the opportunities of men. He has written all the laws, and construed them to serve his own advantage, to glorify himself, to magnify his own importance, and to intrench and perpetuate his usurped dominion.

The family as historically constituted represents the power and ownership of man. For several thousand years man had the power of life and death over his wife and children, and there was an abundance of "divine" warrant for his discretionery exercise of his *heaven sent* prerogative. It is only within the last century that woman has come to be recognized as a *person*, in the eyes of the law.

The position of inferiority and subjection to the will of man, in which the mother's of the

race find themselves, even at the present time, is the result of early Christian teaching, based upon Scriptural authority.

The book of Genesis was written by a man, as of course, were all the Bible stories. It was written for a purpose—not a moral purpose—when viewed in the light of the twentieth century. That purpose was three-fold:

1. To assert man's (the *male* human animal) dominion over the earth.

2. To intrench and perpetuate the political authority of the particular set of men then in power, and

3. To give the irrevocable sanction of heaven to the principle of monarchy, and necessarily, its sequent hand-maid human slavery.

The genesaic scheme of creation, including the story of the "fall" of man, and the several plans successively employed for his rehabilitation and final redemption, contemplated a fumble, and then another fumble.

The important first step was to provide a plausible hypothesis for the *beginning* of things which should be generally accepted by the intelligence of the world at the time of its announcement. The theory of *creation* necessarily pre-supposed a *Creator,* or Supreme being—the logical ruler of the universe and the source of all power and authority. Now, with this broad

foundation laid, it was not a difficult matter to impose upon a superstitious people the reserve features of the plan by which the rights of the proletariat were to be controlled and subordinated to the will of a few designing men. So the establishment of the *entente cordiale* with this mythical being of the skies became the important next step. This was done by a daring declaration, in claimed accordance of course with divine direction, and, behold the accredited Ambassadors of Heaven appeared among men; and from that day forward, for fifteen centuries, the world groaned under the weight of an Absolutism that tolerated no questioning of its infallibility, or its divine origin and authority.

The story runs this wise; after some sixteen hundred years of temporising with his incorrigible and recalcitrant children, the Lord is supposed to have reached his wit's end. God is placed in the absurd predicament of knowing not just what to do, and "it repented the Lord that he had made man on the earth;" so in his desperation he concluded to destroy all except *one* family, and certain other favored types of his creation. Having called the world into being in an impossible manner, he is reported to have proceeded to destroy it in an equally impossible manner. However, after the waters subsided, and the work of world-building was again auspiciously resumed

on dry land, for some unaccountable reason, things began to go wrong. In some mysterious way, not anticipated by the Lord, man whom he had fashioned after his own image, had become *innately perverse.* It repented the Lord again, but he restrained himself from a repetition of violent measures, and instead this time resolved to sacrifice his only Son, after the barbarous custom of the period, in order that this degenerating hoo-doo might be lifted from the race.

Several thousand years are said to have elapsed before the Son made his appearance on this planet. Evidently it must have been known that this final assault upon the evil, which the Lord inadvertently permitted to slip into the world, was not going to be a perfect success, and a modification of the plan was later adopted.

This revised plan contemplated a partnership with *man,* and right here is where and how the "divine right" of Kings had its inception. The rights and powers theretofore exercised directly by the Lord were now delegated to agents, who acted for him. The Lord is supposed to have retired to some distant place in the skies, and left the lives and fortunes of his people to the tender mercies of intermediaries. These divinely appointed and anointed vice-gerents immediately proceeded to enslave their fellows, and in the name of the tolerant and compassionate Jesus,

to persecute all who refused to submit to their despotism.

In all the dealings the Lord is reported to have had with this mundane sphere—from the propitious start in the Garden to the pathetic climax at Calvary—woman, as a *real* being, appears to have been studiously overlooked; her rights disregarded and her individuality ignored. The only possible exceptions to this rule are found in such instances where she is employed—scapegoat fashion—to serve as a buffer between her Master and the vengeance of a wrathful God. Especially is this true wherever reference is made to the status of woman in the marriage relation.

The first slighting or discriminatory reference to woman, said to have been indulged by the Lord, of which the Bible makes mention, is supposed to have occurred about the year 3950 B. C. The general circumstances are given in Genesis, of course, but are more fully detailed by Peter Fredet the Catholic Historian, in the following language:

"* * * the devil, or fallen angel, whom pride had made an enemy of God, being jealous of the happiness of Adam and Eve in the Garden of Eden, resolved to destroy it by inducing them to transgress the divine command. Under the form of a serpent, the devil addressed Eve, *as the weaker of the two,* and suggested to her that if they should eat of the forbidden fruit their

eyes would be opened and they would be as Gods, knowing good and evil. Eve, seduced by the promises of the tempter, not only ate of the fruit, but offered some to Adam, who, *through a criminal condescension for his wife,* shared in her disobedience, * * * . The Lord summoned them before him, and after pronouncing his maledictions against the serpent, he condemned the woman to bring forth children in sorrow, and *to be subject to man through all her days.*"

From the day that indefensible slander upon the justice and wisdom of a merciful Deity was first uttered, down through all the centuries to this thrillant hour, cowardly men claiming to be "called of God" have condoned and justified all manner of indignities and barbarities practiced against womankind, and have charged the responsibility back to the Almighty.

This curse, alleged to have been visited upon woman by God himself, was emphasized by Moses and Aaron and David and Solomon and many of the Prophets, and by the Apostles Paul and Matthew, and later by all the conspicuous teachers and Fathers of the Church; and even in this age, in which we see so much of the civilizing influence of woman's work, it is invoked by priestly men, to handicap her advance, to defeat her claim to equality with men, to frustrate her efforts for

emancipation, and to keep her in a condition of subjection.

A twentieth century effort, on the part of a delegation from a Union of Italian women, to secure from the "holy see" some recognition of their rights, so long denied, was met by Pope Pius X in the following specific declaration: *"After creating man God created woman and determined her mission, namely, that of being man's companion, helpmate and consolation. It is a mistake, therefore, to maintain that woman's rights are the same as man's. Woman, created as man's companion, must so remain—under the power of love and affection, but always under his power."*

In the year 1490 B. C. or about 2460 years after the Lord formally placed woman under the control and domination of man, according to the record of sacred history, he is reported to have again bolstered and boosted the usurped dominion of man, in that respect, by a still further debasement of the wife's position.

God, himself, is credited with this infamous injunction of the old Mosaic law—infamous in its implied degradation of woman—and is said to have personally delivered it to Moses amid the thunders of Sinai: *"Thou shalt not covet thy neighbor's house; thou shalt not covet thy neighbor's goods, nor his wife, nor his servant (slave), nor his handmaid, nor his ox, nor his ass, nor anything that is thy neighbor's."*

This commandment not only emphasized the divine authority for a division of society into Masters and Servants, by giving specific sanction to the then existing condition, but it enslaved woman in a particular manner by including her among the chattels of her husband, and placed her in the same classification with merchandise, and on a level with beasts of burden.

Thus throughout the Old Testament we find the husband is made the ruler, and the wife the subject. Divorce was held to be the privilege of the husband alone; the repudiation of the wife was sanctioned; polygamy was approved; the slavery of women, and the barter and sale of the wife, as a part of the movable property of the husband, were not only tolerated but justified by this barbarous old Jewish law.

And what do we find in the New Testament?

A few specimens only are necessary to show the cruel and brutal attitude towards women and wives of this great Christian authority:

"Man is the glory of God, but woman is the glory of man."

"Wives submit yourselves to your husbands."

"As the Church is subject unto Christ, so let wives be to their husbands in everything."

"Let woman learn in silence, with all subjection."

"Ye wives be in subjection to your husbands."

"They (wives) are commanded to be under obedience."

"If they (women) will learn anything, let them ask their husbands at home."

In the Gospel, according to Matthew, we are told that: "Whosoever shall put away his wife—except for fornication—and shall marry with another, commiteth adultery, and he that shall marry her that is put away, commiteth adultery."

This statement of the Gospel, which was the law for fifteen hundred years, affords a fair example of the cruel and barbarous discrimination practiced against women.

It means that the wife who commits fornication is condemned to lasting disgrace, while the man who wrought her woe is held immune, except he do the only honorable thing such a man could do, and acknowledge her before the world as his wife. But to marry her, and thus protect and cherish her, under the law, would be adultery; and all other men are prohibited, under pain of adultery, from marrying with her. So, by the very terms of the statute, such a wife is not only permanently ostracised, but her unlawful consort—who is justly answerable for her ruin—is absolved from all personal obligation or responsibility.

The husband was permitted not only to "put away" his erring wife, but he was free to remarry.

The obvious purpose of this diabolical injunction was to keep the woman in a condition of complete dependence and subjection to the will of her husband, while it licensed the man to abuse the confidence, and to outrage the person of women, with impunity.

"Is it any wonder," asks a conspicuous modern writer, "that women have been treated in the disgraceful manner that they have been, in Christian countries, when authority is found for it in the book which is the Christian's idea of all that is right?"

Mrs. Mary Livermore says: "The early Church fathers denounced women as noxious animals, necessary evils and domestic perils."

Lecky says: "Fierce invectives against the sex form a conspicuous and grotesque portion of the writings of the Fathers."

Gamble says: "In the fourth century, holy men gravely argued the question, *ought women to be called human beings.*"

But let the Christian Fathers speak for themselves.

Tertulian thus addressed woman: "You are the devil's gateway; the unsealer of the forbidden tree; the first deserter from the divine law; you

are she who persuaded him whom the devil was not valiant enough to attack; you destroyed God's image—man."

Clement of Alexandria, whose mother singularly enough was a woman, declare in all humility that: "It brings shame to reflect of what nature woman is."

Gregory Thumaturgus observes: "One man among a thousand may be pure; a woman, never."

"Woman is the organ of the devil," according to St. Bernard.

"Her voice is the hissing of the serpent," said the gentle and child-like St. Anthony, and the great St. Cyprian discovered that "woman is the instrument which the devil uses to get possession of our souls."

"Woman is a scorpion," declared St. Bonaventura.

"The gate of the devil; the road of iniquity," says St. Jerome.

"Woman is the daughter of falsehood, a sentinel of hell; the enemy of peace," asserted the good St. John Damascene

The world is indebted to the learned St. John Chrysostem for this wonderful revelation: "Of all wild beasts, the most dangerous is woman;" and to St. Gregory—the Great, who first disclosed that "woman has the poison of an asp, the malice of a dragon."

The list is by no means exhausted. Similar

examples of the atrocious and fiendish esteem in which women were held by many of the most conspicuous of the anointed and sacred monsters of the early Church, might be continued for several pages, but enough have been set down to establish the force of the point that it was desired to make.

Of course this fact must not be lost sight of: the church is distinctly a man-made institution, man-managed, for *men.* Women have been excluded from its ministry and its councils, cut off from its revenue, denied its privileges and opportunities. So it is hardly to be wondered at that the church should regard women as of little consequence, and of no concern whenever the rights of men are involved.

In the face of incontrovertable revelations of science to the contrary, the church has persistently insisted upon the truth, reliability, and all-sufficiency of the Scriptures, touching the status of woman, and has consistently maintained towards her an attitude, not only of indifference to her rights, but of *hostility* to them.

For over fifteen hundred years the Christian Church exerted its powerful influence to keep mothers and wives in a condition of servitude, and of subjection to the will of man. Even in this free and luminous age, the Church imposes "obedience to husbands" as the duty of wives, and many Bible followers seriously believe that hus-

bands have a sort of divine right to conduct themselves towards their wives with an insolent and lordly indifference.

It is not difficult, with this light, to trace the source of the taint which vitiates the South Carolinian Legislator's philosophy, for he prides himself upon his uncompromising orthodoxy.

In what pleasing contrast with the brutal and savage opinions just reviewed, do we find the following sentiment only recently uttered by one of the most eminent liberal teachers of this day; and with what a sense of relief we contemplate its inspiring justice:

"In all the language of man, the holiest word is 'woman!' There is a poetic suggestion of the blended destiny of man and woman. The unit of society, of government, is not the man, lordly as he is, important as he seems. It is the family—it is the man and woman together. I have the profound conviction that this human world of ours will never come into the full light, never know the complete fulfillment of its possibilities, until by every custom, by every law, in every statute, in all social and political affairs, there stand together, side by side, equal and sovereign, man and woman."

Gradually the old world is emerging from the long night of theological superstition.

Civilizing influences are at work on every hand.

Free men are working out the freedom of women, and the day is not far distant when the mothers of men shall stand truly emancipated, and be accredited their rightful place in the world.

If honor is due to any man—honor then his mother.

If men are great, then in that which makes them great, they reflect the glory of their mothers. Their achievements should remind us in a particular manner of our debt of gratitude to the mothers who, in pain, gave them to the world.

Every Christ who has kissed the earth in every age—every patriot with soul aflame with love for his fellow, whose voice has cried out against tyranny and oppression—every discoverer of science, whose magic touch has unlocked the mysteries of the unknown; every lover of truth in every land who has hated wrong and loved the right, was the joy and the hope of some ardent mother who dreamed of a millennial time when justice would triumph and humanity would be free.

The laws reflect the men who make them.

Only men morally dwarfed and intellectually obtuse could willingly sanction the attitude of the Legislature of South Carolina on the question of divorce.

The man whose opinion in these matters of vital human concern is not subject to change, upon evidence, whose reason is closed to every view that happens to conflict with the authority of the Scriptures; who is imbued with the stultifying belief that a literal obedience to the teachings of the Bible is the duty of a man in this awakened age, is not only a dangerous and deluded leader, but one sadly lacking in the fundamental attributes that distinguish the civilized man from the savage.

These old laws and teachings of the Testament were given at a special time to serve the needs and purposes of society in that ancient day, and very likely they represented the most advanced thought of that period.

But the world has grown a-pace; all things have changed and are ceaselessly changing still.

Man is striving to adjust himself to new conditions that constantly confront him, and he grows, progresses and civilizes in just the degree in which he develops the ability to fit himself to the requirements of the hour.

Modern civilization demands a new code of ethics, and is writing a *new* Scripture.

This luminous age is sending forth into the world the Prophets of a new Messiah—Science.

And, Science will civilize the Marriage Laws!

Science will minister to the needs of men

here. It will ferret out the secret of happiness on the earth. It will concern itself about the *real* salvation of the race—the mental and physical development and perfection of the human animal.

Science will sanctify fellowship, and glorify service among men—thus will poverty pass; it will breed out disease; and by the establishment of a broad brotherhood, which shall know neither caste nor kind nor creed, it will remove the occasion for crime.

These things will surely come to pass.

All these surpassing blessings will be realized through a proper recognition of the peculiar privileges or special prerogatives of women in the marriage relation; by a hallowing and exalting of maternity, under all circumstances; and by a plenary protection of the rights of Mothers in the interest of the children of love that are to be.

So, Let's Civilize the Marriage Laws.

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